AUGUST 26, 1972

Saturday Review

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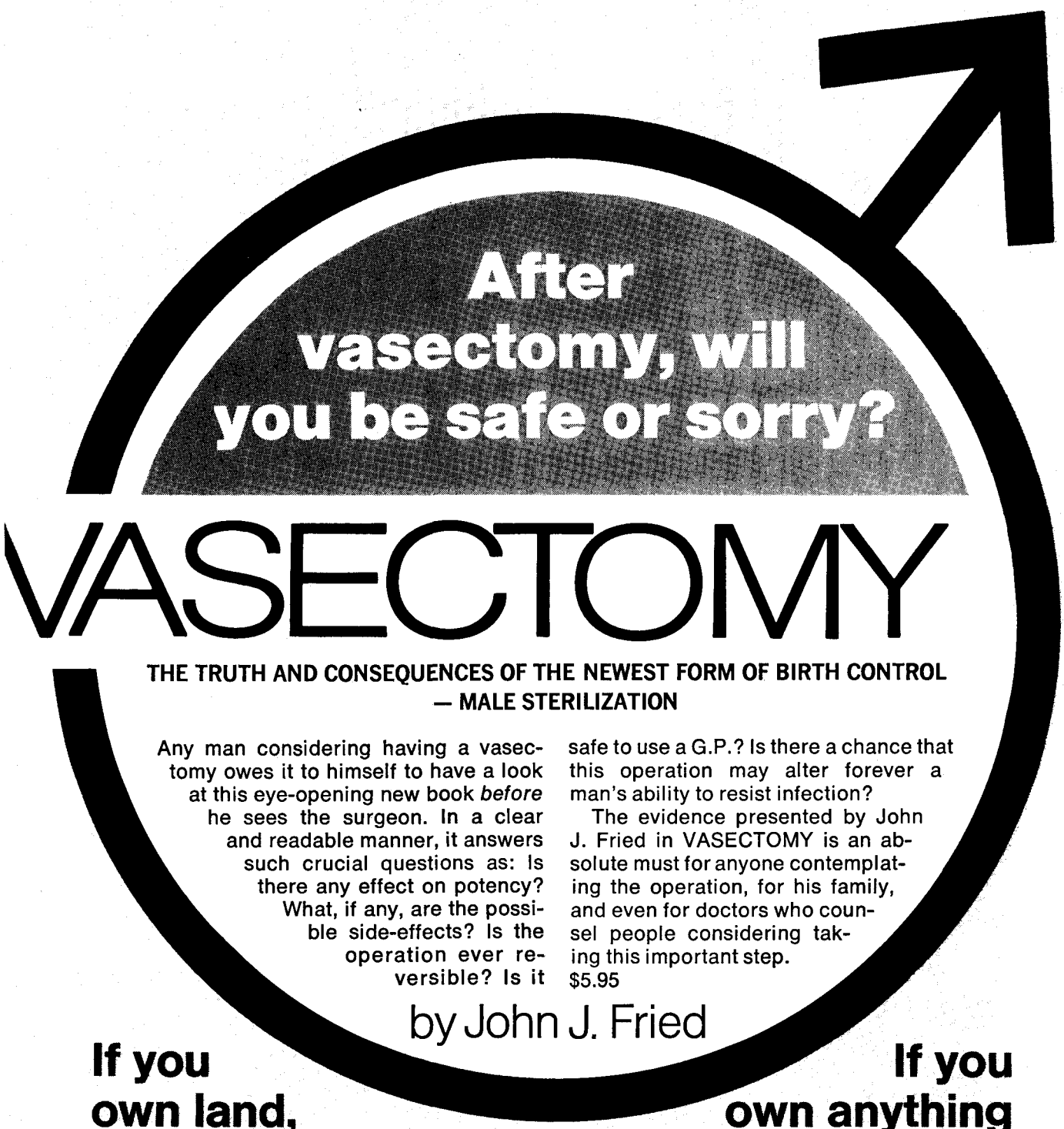

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Saturday Review of the Society

INDEX

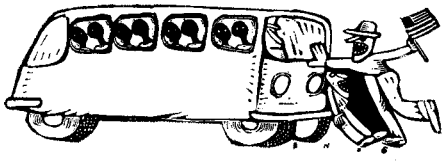
AUGUST 26, 1972 VOLUME LV, NUMBER 35

SR UP FRONT

5
The Road to Yakima
By Peter Schrag
"Yakima? You've got to be kidding." But Associate Justice William O. Douglas was not kidding. He asked the lawyers for both sides in the Ellsberg-Russo trial in Los Angeles to come north to a small Washington State courtroom—and there the whole case was thrown into a legal limbo.

12
"I'm Dying," He Croaked
By Roy Bongartz
Introducing a brilliant wordplay innovation, the croaker. Example: "I've got a new game," mumbled Peg.

13
The Most Hated Man in Michigan
By William Serrin
He is Judge Stephen J. Roth, the cautious and conservative federal judge in Detroit who has ordered the most sweeping busing plan ever drawn up.



15
Love Song to Willie Mays
By Joe Flaherty
"There will be time to murder and create,/ And time for all the works and days of hands/That lift and drop a question on your plate. . . ."

16
Buffalo Creek Aftermath
By Harry M. Caudill
Last February an impoverished West Virginia valley was wiped out by a flood that need never have occurred. Author Caudill reports what has—and has not—happened since. (See also the article on Jay Rockefeller in *The Society*.)

18
TRAVEL: That Persian Feeling
By René Lecler
Avoid Teheran, if you can, but not Isfahan and the Caspian.

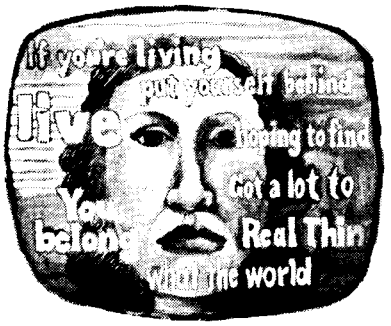
23
LETTERS

26
EDITORIAL: Gun Control—A Missed Target
By Ronald P. Kriss
In compromising once again on gun control, the Senate settled for less than half a loaf. A few crumbs, at best.

THE SOCIETY

27
"I Love the Name," Says Jay Rockefeller. "I Love Everything About It."
By Anthony Wolff
Unlike his famous relatives, John D. Rockefeller IV is a Democrat. And right now he's going for broke (well, not quite) to be elected governor of West Virginia this fall.

33
The American Obsession With Fun
By Ann Nietzke
The way we stress the importance of being "alive," says the author, betrays "a diminution in the sense of the self." Too often we discover our identity in the products we buy.



36
The Action Lawyers
By Gerald C. Lubenow
They don't just try cases or teach law; they plot social change. *Serrano* v. *Priest*, a legal case that may well be as important as the 1954 school desegregation case, is part of a campaign in point.

43
Wall Street's New 'Social Responsibility' Funds
By Harvey Shapiro
Can stock buyers invest their money so as to perform good works as well as earn good profits? Yes, says a new breed of Wall Street fund managers.

46
The Skyjacker and How to Stop Him
By the Editors
This new jet-age crime cannot be expected to run its course and fade away. In fact, it is growing and spawning new crime mutants. There *is* a way to stop skyjackings. But it will be expensive.

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SR REVIEWS

53
BOOKS

53
The Farther Reaches of Human Nature
By Abraham H. Maslow
Reviewed by Joyce Carol Oates

55
Free and Female: The Sex Life of The Contemporary Woman
By Barbara Seaman
The Nature and Evolution of Female Sexuality
By Mary Jane Sherfey, M.D.
Reviewed by Caroline Bird

60
I Come As a Thief
By Louis Auchincloss
Reviewed by Joseph Kanon

61
On the Docket
By O. L. Bailey

62
About Television
By Martin Mayer
Reviewed by Richard D. Heffner

64
Kike! A Documentary History of Anti-Semitism in America
Edited by Michael Selzer
Reviewed by Irving Malin

66
THEATER: Summer Solace
By Henry Hewes

67
FILMS: Portrait of the Con Artist as a Young Man
By Thomas Meehan

68
MUSIC: Soul at the Center
By Carman Moore

69
PHOENIX NEST: Future-Laugh
Edited by Martin Levin

GAMES

60
Literary Crypt

62
Your Literary I.Q.

63
Wit Twister

74
Kingsley Double-Crostic No. 2003

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Despite rumors to the contrary, I've observed that people still want to have children, and some are actually going ahead and having them. Having made this important choice, there is one other major matter to decide: how to best proceed through pregnancy, labor and delivery. Do you want natural childbirth? Do you want to be completely drugged? Perhaps in a state somewhere between the two? Do you want to deliver in a hospital or at home with the baby's father participating? In her just-published book, METHODS OF CHILDBIRTH: *A Complete Guide to Childbirth Classes and Maternity Care,* Constance Bean examines all the options.

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SR UP FRONT

AUGUST 26, 1972

The Road to Yakima

BY PETER SCHRAG

LOS ANGELES, Calif.—Even for movieland, the scene was implausible: The judges, in their pink and lavender jackets, yellow shirts, and white slacks, standing around the hotel patio with their predinner drinks; the defense lawyers, representing Daniel Ellsberg and Anthony Russo, wandering through the crowd in their rumpled business suits like cinema Bolsheviks casing a palace reception; and the reporters, a seedy quartet who had chased the lawyers up the freeway, hanging around the Sheraton Huntington lobby in a vain attempt to make themselves believe that the whole thing was really taking place. *The trial might stop right here.*

"Yakima?" someone was saying. "Yakima? You've got to be kidding."

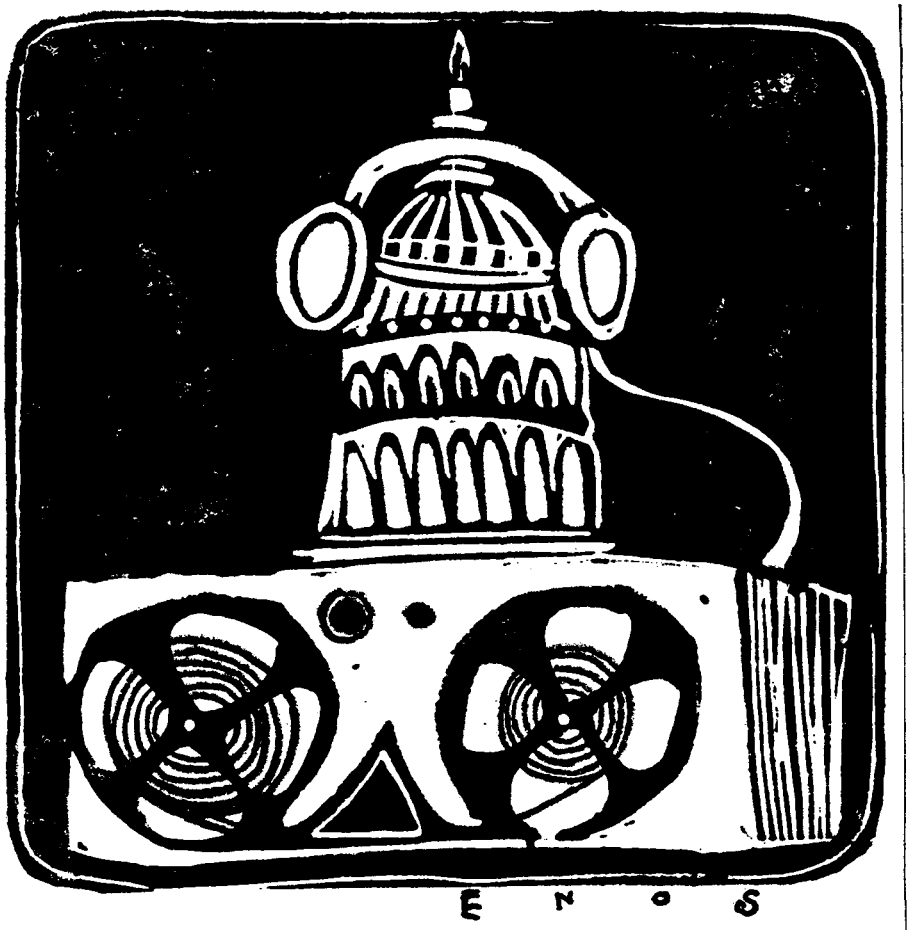
"He wants us to come to Yakima," said one of the rumpled suits, legal papers still clutched in his hand. "He'll hear arguments in Yakima tomorrow at four-thirty."

"Yakima," said another rumpled suit. "Where the hell is Yakima?"

The person the rumpled suits had been looking for—and had finally found—was the Hon. William O. Douglas, Associate Justice of the Supreme Court, leading civil libertarian, mountain climber, and noted curmudgeon. Douglas was at the Sheraton Huntington attending the annual conference of the federal judges of the ninth judicial circuit, which includes all the western states, and over which Douglas presides while the Supreme Court is in recess.

The defense lawyers wanted him to stop the Ellsberg trial, scheduled to begin the next day, until a bizarre and unprecedented wiretap issue was resolved. The government had overheard a conversation involving someone associated with the defense, probably a lawyer, but it refused to disclose who that person was or what the conversation was about. All that was known was that a record of the "overhearing" had been filed *in camera* and that trial Judge William Matthew Byrne, Jr., ruled that the conversation did not involve this case and therefore could not possibly taint the evidence with an illegal surveillance. (Judge Byrne had instructed the government to submit the record of any "overhearing" involving the defendants, their lawyers, and a small list of consultants to the defense.) The defense had appealed his decision to the Circuit Court of Appeals two days before, lost there, and was now appealing it to the Supreme Court. In essence, Ellsberg's lawyers wanted an order from the Court requiring Byrne to conduct an open hearing to determine whether the tap had been illegal and, if so, what it involved. Since the Supreme Court was on vacation until October, the lawyers were asking Douglas for an interim order to stop the trial until the Court could act.

The whole procedure was without



In the background of the Ellsberg case is the Supreme Court's increasing suspicion of wiretapping.

Peter Schrag, a contributing editor of SR, *is at work on a book about the Ellsberg-Russo trial.*

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precedent. After nearly six months of pretrial arguments and three weeks of questioning potential jurors, the jury had been selected and sworn, and opening arguments were just about to begin. No trial, within the memory of lawyers on both sides, had ever been stopped at that point. Normally, if a judge makes a judicial error, the time for an appeal to higher courts comes after the defendants have been convicted. In this instance, the Ellsberg–Russo lawyers had been so doubtful of the course they were following that they had been on the verge of giving it up.

What drove them on—though perhaps they were hardly aware of it—was a sense of frustration, even desperation. For two months they had watched Judge Byrne overrule them on nearly every attempt to challenge the indictment, which includes charges of conspiracy, violations of the Espionage Act, and theft of government documents. They had failed to get even the most questionable counts dismissed, and had been forced to draw from a panel of jurors who, though they might not be hostile to the defense, were at best apathetic about the issues that the defense considered important: the government's power to control information, the guarantee of a free press under the First Amendment, and the connection between official secrecy and the perpetuation of the war in Indochina.

Nearly 3,000 pages of documents from the Pentagon study would be introduced in evidence, and the jurors would presumably have to read and analyze them in order to determine whether they related to the national defense. Yet one of the jurors who was selected barely spoke English—he had attended grammar school in Italy—several did not read a daily newspaper, and many of them had expressed no concern at all about national affairs.

Now Douglas wanted them to come to Yakima, Washington. Since he felt that he was being asked to take an extremely serious step, he wanted to hear arguments from both sides. There was a small courtroom in the Post Office Building at Yakima, on the way to his summer retreat in nearby Goose Prairie (but 1,200 miles from Los Angeles where the trial was supposed to take place), and it was therefore—for him—a convenient place to summon the lawyers: David Nissen and three other government attorneys for the prosecution (who, when they failed to get a commercial flight, went by Navy jet); Leonard Boudin, Leonard Weinglass, and Peter Young for the defense.

For an hour in the Yakima courtroom, Douglas heard the arguments. Nissen contended that stopping trials in midstream was chaotic, that lawyers couldn't simply go running to an appeals court "every time they got a ruling they didn't like," and that appealing trial court decisions piecemeal could be justified only in an extreme situation, one in which a trial judge had clearly exceeded his authority. Boudin said that this was just such a situation; that, in fact, Judge Byrne lacked authority *not* to order a hearing on the wiretap evidence. In the background was the Supreme Court's own increasing suspicion of wiretapping—a series of decisions that not only made evidence from an illegal tap (any tap not authorized by court order) inadmissible but also allowed defendants to challenge an entire prosecution if the government's information had been contaminated "by the fruit of the poisoned tree." Whether the tap in question was in any way proscribed by prior decisions was uncertain. Nor was it clear whether asking for an order stopping the trial at this point was legally proper.

A day later, having contemplated the matter on the heights of Goose Prairie, Douglas decided that a stay of the trial was proper. Using a public telephone, (there is no phone at his house), he called the clerk of the Supreme Court and dictated his opinion:

The constitutional right . . . pressed here is the right to counsel guaranteed by the Sixth Amendment. That guarantee obviously involves the right to keep the confidences of the client from the ear of the government, which these days seeks to learn more and more of the affairs of men. The constitutional right of the client, of course, extends only to his case, not to the other concerns of his attorney. But, unless he can be granted standing to determine whether his confidences have been disclosed to the powerful electronic ear of the government, the constitutional fences protective of privacy are broken down. . . .

I am exceedingly reluctant to grant a stay where the case in a federal court is barely under way. But conscientious regard for basic constitutional rights . . . makes it my duty to do so.

So the trial was stopped—but the legal complications piled up. Could the Supreme Court consider Douglas's ruling without convening in emergency session? Could that be done by phone? Should Justice Rehnquist, who had been in the Justice Department when this prosecution was initiated, disqualify himself? And if the trial were stopped until after the Supreme Court reconvened in October, what of the already-sworn jury? Could the jury be held for several months until the trial might begin? Or could the jury be dismissed and another empaneled, or would that involve double jeopardy for the defendants?

It was almost as if, having violated the established order by leaking the Pentagon Papers to the press, Ellsberg had generated subsequent waves of uncontrollable disorder beyond the powers of man to resolve: His "crime" of leaking the papers had produced a record number of appeals to the Supreme Court, had prompted multiple grand jury investigations, countless motions for stays, for writs of mandamus, for disclosure of evidence, and had produced an endless and often fruitless search for applicable procedures.

There was irony, as well. The government, which had filed sworn denials that it had never wiretapped the defendants, their lawyers, or their consultants (denials that often seemed beyond the bounds of credibility), had made what it surely must have regarded as an innocuous admission. The tap, Nissen said, had been directed against someone (or something) not associated with this trial, but had incidentally picked up one conversation—and one only—of someone who was. Yet now that incidental disclosure, made for reasons still unexplained, was jeopardizing the prosecution's entire case. The government said it was fearful of disclosing the details since that would threaten the "installation" that had recorded it. Nissen acknowledged that the tap concerned "foreign intelligence" (the Supreme Court had never ruled on wiretapping in this area) and thus returned the matter to the realm of the gothic.

Radical activist Tom Hayden, who was a consultant to the defense, had surely been in touch with representatives of the Vietnamese National Liberation Front in Paris; Leonard Boudin did legal work both for the Cuban mission to the United Nations and for the government of Chile. If either of them were the victim of the tap, would the government be willing to acknowledge that, or would the Justice Department rather drop the Ellsberg prosecution altogether?

The ultimate irony concerned the objectives of the defense. This trial was supposed to have been a way of dramatizing to the American public the issues of war and secrecy; it was intended as a clean test of government's power to control information—even to curtail First Amendment rights—by stamping any embarrassing document "Top Secret." Instead, the case was illustrating the incredible complexity of contemporary politics and the law—a complexity that is the very condition that allowed the papers to be kept secret in the first place. For most citizens are unable or unwilling to penetrate the legal and political jungle in which public issues are often lost. Indeed, in their confusion, they are only too glad to let someone else—a bureau-

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These are edited in weekly rotation, so that *current* Saturday Review subscribers will continue to receive *all four monthlies*—one each week.

Each of the four magazines is available to *new* subscribers as an independent publication. Thus, new subscribers can choose one or two monthly magazines only—SR/EDUCATION, for example, and/or SR/THE SOCIETY.

It is also possible for new subscribers to receive *all four monthly magazines,* in which case they, too, will receive a magazine a week.

Why the change?

It is increasingly difficult for readers to keep track of changes in all of their areas of interest.

The changes are too complex and they are happening too fast.

The changes we've made in Saturday Review are designed to make information more accessible to the reader and easier to absorb.

By creating a family of four monthly magazines we are able to bring each area of interest into sharp focus (as opposed to narrow focus).

A natural evolution.

This process of editorial change has been a gradual, evolutionary one.

Over the years four basic supplements were introduced in Saturday Review: *Multi-Media, Education, Communications,* and *Environment (Science).*

These supplements enabled Saturday Review to give readers better—and better organized—coverage in these areas.

Multi-Media has been expanded to examine *all* the arts as they affect life—not just the professional arts (theater, music, dance, television, etc.) but the popular arts (like amateur photography and even gardening) as well. SR/THE ARTS takes the arts public and encourages *everybody* rather than a few people to enjoy and understand the arts.

Education has been expanded to focus on the life-long search for knowledge in all its forms. SR/EDUCATION explores how the process of learning can become a more significant part of the excitement of living before, during, and after so-called formal education.

Communications has been transformed into SR/THE SOCIETY, thus providing a broader, more comprehensive editorial focus. SR/THE SOCIETY's primary editorial thrust is to help readers cope with the dizzying change that has overtaken all of our social institutions in this age of discontinuity.

And *Environment (Science).* In an era in which men split the atom, walked on the moon, traced the delicate workings of the brain, and charted evolution through fossil finds, a huge communications gap has been opened between scientists and laymen. In fact, the scientist outside his own field is another scientist's layman. SR/SCIENCE seeks to make the relevance of all the sciences understandable to the layman.

Each of these monthly magazines retains a good measure of continuity. SR/Up Front appears in each of the four magazines offering four or five observers a chance to focus on a single person, phenomenon, or event in accordance with our conviction that great trends are often best understood when dealt with on a small, human scale. Each of the magazines also includes the regular Saturday Review features like editorials, comprehensive reviews (books, music, films, theater, and dance), a travel column, and puzzles.

To make one important magazine four important magazines.

We have doubled our investment in our most precious resource: people.

We've added 45 people to our editorial staff: editors, writers, researchers, and graphics experts.

We've drawn upon the editorial resources of the nation, attracting individuals from The New York Times, Newsweek, Time, Natural History Magazine, Horizon, and many other important publications. Now, we all face with excitement a major editorial challenge and opportunity: To make a great magazine greater.

Five separate editorial staffs have been created: one for each of our new magazines and one to maintain continuity and a family resemblance among them.

All the credentials of Saturday Review's editors would amount to little if they were not deeply committed men and women. Our editors' concerns, their passions, their involvement in the world of ideas are reflected on the pages of this family of magazines. They strive for truth and realize that truth may emerge from a balanced view of our times, but realize that "balance" must never dilute a compelling idea.

To reach our objectives we've increased the editorial pages in each issue of the family of monthlies by 40%.

Believing that graphics are a vital part of effective communication, we've also invested heavily in full-color photography and illustration.

How to subscribe selectively.

Each of our new magazines is available at a regular $12 annual Charter Price.

However, each of them is now being offered to new subscribers at a Half-Price Introductory Rate of $6 per year.

The newsstand price per issue is $1.

In addition, for those new subscribers who elect to subscribe to *all four* of our magazines (thus receiving a magazine a week), the regular combined price is $24 per year.

The two pages that follow describe our family of four monthlies in more detail.

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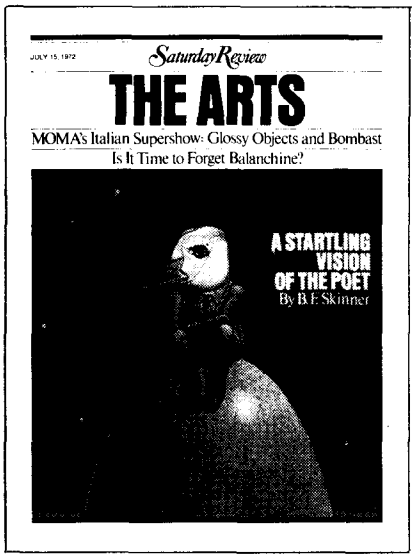
THE ARTS

Across the country there is more interest in the creative powers of our culture than ever before.

It isn't just a passive interest; people are discovering that in every one of us there lives an artist, a creator of some sort, and that "art" is no longer the special preserve of a few experts. New art forms, new art centers, and new concepts of what art should be are developing in joyful profusion.


JULY 15, 1972
SaturdayReview
THE ARTS
MOMA's Italian Supershow: Glossy Objects and Bombast
Is It Time to Forget Balanchine?
A STARTLING VISION OF THE POET
By B.F. Skinner

SR-The Arts is designed to help you keep up with all these exciting developments.

It features eight regular departments: Cinema; Art; Theater and Dance; Entertainments; Writing; Architecture and Design; Music; and People and Ideas.

These departments spot trends, report on coming events, revisit forgotten masters, and put you in touch with the personalities behind art news.

But Saturday Review-The Arts does not confine itself to the traditional cultural categories. The magazine sets no artificial limits on its scope.

It looks at all the Arts.

Photography. Design. Dance. Sculpture. Architecture. Literature. Painting. Communications. Criticism. Opera. Music. Film. Theater. Poetry.

You'll get guides to European and American music festivals, thorough reviews of the latest recordings, reports on jazz, pop and rock, and articles on Broadway musicals. Sir Rudolf Bing will recall his twenty-two years as impresario of the Metropolitan Opera, and novelist Terry Southern will cover the Rolling Stones' American tour.

—You'll read a debate between two great men of letters, Francis Steegmuller and Alberto Moravia, that continues a modern controversy over a novel written more than a hundred years ago.

—You'll discover how an American firm is redesigning Sao Paulo's transportation system, how a famous lighting designer is constructing mobile theater units, how a woman artist is coming up wth new, humane concepts for buildings that startled and influenced established architects.

—You'll read John Hightower, former director of the Museum of Modern Art, on how tax dollars may revolutionize museums, changing them from private clubs for connoisseurs to vital public institutions. You'll see Claude Picasso's essay on the private collections of America's best-known modern artists.

In addition, The Arts carries features, puzzles, reviews, contests and editorials.

We invite you to become a Subscriber to Saturday Review-The Arts at the half-price charter introductory rate of $6.00 for one year.

EDUCATION

This magazine explores the world of learning, and raises fundamental questions about the existing educational system, and the new directions it might take.

It has several editorial departments, including Previews and Reviews, Life and Learning, Early Childhood, The Schools, Colleges and Universities, and People and Ideas.

It examines how we learn, where we learn, and what we learn, and relates it to the new requirements of our society.

It does not restrict its attention to schools, colleges and other formal institutions, because we are constantly learning outside the classroom.

All through your life, environmental influences are having a profound influence on your ability to cope.

In addition, basic education is undergoing significant change at all levels in our society.

The information explosion is partly responsible.

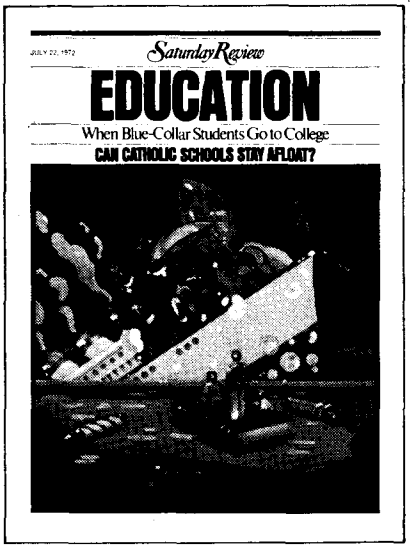
New technology plays its part.

And educators are learning more about how people learn, and what they retain.

But the major change occurring in education today may be due to the fact that teaching methods which worked in America during the industrial revolution and the immigrant waves will not be relevant in the 21st Century.

We are faced with education in the urban ghetto.

Retraining of workers who have been automated out of jobs.



Overcrowded, underfinanced school systems.

Continuing education beyond college, for people who need it, and for people who enjoy it.

SR-Education is intensely readable, relevant and exciting.

Here are some of the things you will read about in Education.

—Are "educational toys" really educational? Are they really necessary?

—Children's TV. A guide to the coming season that parents, and educators can really trust.

—The "blue-collar" colleges: as open admissions becomes policy in many colleges, what experience from the past will be significant?

—Do those "crash courses" for the College Boards really help?

—A head-start on Head Start: education begins in the home.

—Should schooling be compulsory? Direct reports from states where it is not.

We invite you to become a Charter Subscriber to Saturday Review-Education at the half-price introductory Charter Rate of $6 for 1 year.

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SCIENCE

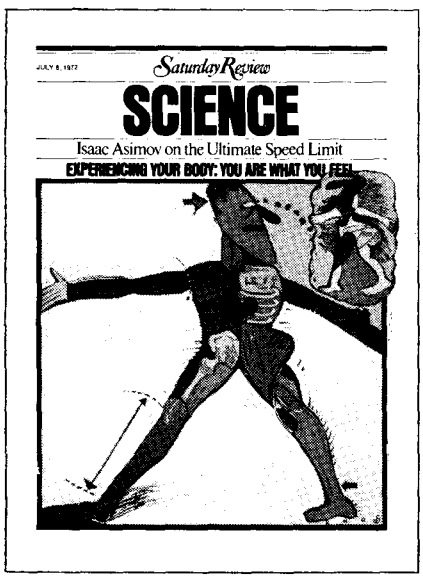
Science has become too important a part of our lives to be left to scientists.

Yet most magazines that deal with the subject of science are so technically oriented, they tend to be obscure to the non-professional.

So the editors of Saturday Review have created a monthly magazine to solve the problem.

It's called Saturday Review-Science, and it's written for you, the non-professional.

Which is not to say that it's simplistic.



In fact, many scientists thoroughly enjoy it. They read it to learn more about areas other than their own.

What we've done is to make the materials more relevant, and more digestible.

We've eliminated the statistical probability curve charts.

And the complicated three-paragraph chemical formulae.

We've left the fun in.

SR-Science covers science as it needs to be covered.

It keeps you abreast of developments in virtually every field of science.

Health and medicine. Psychology. Physics. Environment. Sociology. Anthropology. Biology. Chemistry. Computer sciences. Applied sciences. And the ideas and discoveries of the top men and women in the various fields of science.

Our approach is to clarify and communicate, rather than just to report.

After reading an article on the phenomena of lightning, you will actually *understand* the processes that produce them. In detail.

Some articles:

—The computer and civil liberties: the danger of a nation on file in a machine's memory.

—Lunar tides: how the attraction of the moon results in everything from mirth to madness.

—What's wrong with American agriculture.

—Weather modification: are raindrops as lethal as bombs?

—The psychology of foreign aid: is it really better to give than receive?

—The schedule of the human embryo: when does life really begin.

—The definition of death. When does life really end?

In addition, Science carries features, puzzles, reviews, contests and editorials.

You can get a Charter Member Subscription at the half-price rate of $6.00 for one year.

We invite you to take advantage of this offer today.

Layman or not.

THE SOCIETY

The new politics. Changing lifestyles. Business booms and busts. Freer relations between the sexes. Power, and how to get it. War, and how to stop it. Money, and how to make it. Things, and how not to let them get the better of you. Nature, and how not to muck it up.

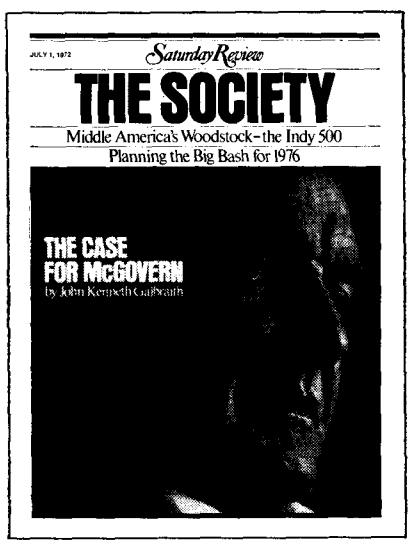
Newspapers and television do cover these topics, and that's why they're conversation pieces. But even the newspapers can't cover these subjects in depth.

Deadlines won't permit it.

So the editors of Saturday Review have created a new magazine that fills the need.

It's a monthly, so that we can have the luxury of research, re-examination, and reflection.

The result is articles that are meaty enough to give you something to talk about for a month. And think about for a lot longer.


Saturday Review
THE SOCIETY
Middle America's Woodstock - the Indy 500
Planning the Big Bash for 1976
THE CASE FOR McGOVERN
by John Kenneth Galbraith

In a way, it is an invaluable, practical aid to coping with and surviving in a society that is changing around us at a future-shock pace.

Its main fare is things you don't get to read about in the newspapers.

—Like John Kenneth Galbraith's witty and compelling statement of "The Case for George McGovern."

—Like a recent essay by Clark MacGregor (President Nixon's new campaign manager) entitled "The Coming Nixon Victory."

—Like "A Radical Guide to Wedlock"—in which the authors spell out the way (they think) a modern marriage contract ought to read.

—Like "Smart Bombs and Dumb Strategy"—an analysis of how the Vietcong and the North Vietnamese manage to go on shooting even after having been bombed harder than the Germans in World War II.

—Like the profile of the man who is called "The Ralph Nader of the Insurance Business."

—Like the psychoanalytic probe into the fad of skyjacking.

—Like a symposium of the nation's leading economists on the subject of tax reform.

—Like an analysis of the new "social responsibility" mutual funds.

Saturday Review-The Society is looking into the issues of society. Our corporation. Our unions. Prisons. Environmental protection groups. Community-run day-care centers. The economy. Leisure. Business. Communications. Politics. Advertising. Technology. Welfare. Jobs.

In short, the pulse of life.

We invite you to become a Charter Subscriber to Saturday Review-The Society at the half-price introductory rate of $6.00 for one year.

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crat or an "expert"—do all the thinking and assume all the responsibility.

It would have been hard enough to get the main issues in this trial across to the jury, and even harder to the people trying to follow it in the papers. But now the case was spreading in a dozen directions, was likely to take years to adjudicate, and seemed to leave many of those who had been working on the defense in a state somewhere between disappointment and outright anger.

Ellsberg himself was ambivalent. There were other things to do, he said; one had to keep talking about the war and the bombing of the dikes and the brutality. Yet he also had been counting on this trial and would welcome it as a way of telling his story. Meanwhile a number of the students who had been working on the Los Angeles-based Pentagon Papers Peace Project, a group set up to publicize the trial and to educate the public about the war, talked of splitting for more engaging work. There was, at least for the moment, a victory, but a victory in the wrong battle and on the wrong issues. For some people, Yakima was nowhere.

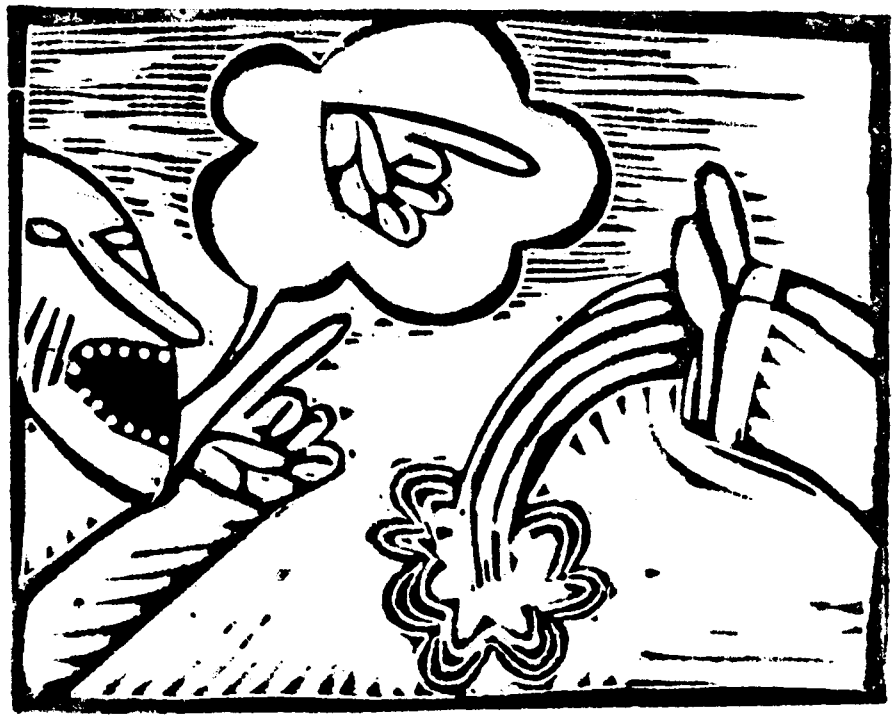
It was only when the possibility of a reversal of the stay arose that the focus and the energy returned. Twenty-four hours after Justice Douglas spoke, Solicitor General Erwin Griswold announced that he would go to the Supreme Court to ask for such a reversal. There is no love lost between Chief Justice Burger and Douglas; if Burger could get Rehnquist, Blackmun, Powell, and White (or possibly Stewart), then the road to Yakima would be simply a detour.

Yet that possibility seemed also to restore some perspective. A few hours after Griswold made his announcement, the defense issued its own statement: "For a special session to be convened solely for the government's convenience in pushing forward with their prosecution of a criminal case," said one of Ellsberg's attorneys, "would be a recognition by the highest court in the land that indeed the prosecution of Daniel Ellsberg and Tony Russo is a political prosecution. . . . If Chief Justice Burger, a Nixon appointee, convenes a special session of the Court . . . then the implication can only be that this administration and this Court see the politics of the Pentagon Papers case as of overriding importance."

But in the end, the other eight justices of the Court declined to meet in emergency session and refused, at least for the moment, to overrule Douglas. The defendants thereupon offered to waive their right to claim double jeopardy if Judge Byrne would dismiss the jury. Judge Byrne declined to do so. The possibility was left open, however, that if the Supreme Court accepts the appeal for review (which would mean a postponement of several more months), then the jury would be dismissed, and another empanelled.

In the furor over the wiretapping issue and the stay of trial, one matter of importance was all but forgotten. The day after the wiretap was revealed, Judge Byrne had ruled that the so-called diplomatic volumes of the Pentagon Papers, which dealt with the history of secret negotiations for a Vietnam truce, would be treated the same way as all the other evidence in the case. These volumes, however, are still classified and are considered the most sensitive portion of the entire Pentagon study; although bits have leaked, they have never been published in full. Byrne's ruling thus confronted the prosecution with the choice of dropping crucial charges in the indictment, which are based on the copying of those volumes, or of introducing them into evidence and thereby putting them in the public domain.

Although Byrne's ruling left a technical loophole whereby access to the documents might possibly be restricted, the decision threatened to undercut much of the prosecution's case. If the government would be willing to declassify the diplomatic volumes in an attempt to convict Ellsberg and Russo, then what about its argument that, in copying the documents, Ellsberg had impaired the national defense? In a week of ironies and confusion, this was perhaps the most significant irony of all. □



"I'm Dying," He Croaked

BY ROY BONGARTZ

ON THE BEACH—In a summer beach house lounged a hung-over, Sunday-morning gathering of a few of those rare remaining linear, word-oriented people who feel restive at being cut off from the great, younger majority of visual, media-message unthinkers. There were six of us: my wife, Ce, and myself; Arnie and Babs; and Carl and Dot. Maybe it was our outdated and now embattled wordiness, native to our frayed generation, that accounted for my unprincipled attack on an innocent plumber's leaflet that fell by chance under my hand on the oilcloth-covered kitchen table. My reading of it interrupted only the plock-plock of spoons and the snapping, crackling, and popping of Rice Krispies: " 'I live in your cesspool and I work hard,' Willie [a bacterium] said to Mrs. Jones," the pamphlet began. " 'But if I have the wrong things dumped into my workshop, I'll get sick and die,' Willie added."

I looked around challengingly. "That's wrong," I declared. "Willie did not *add* that remark. He *spoke* it; he *said* it. You can't *add* a statement."

"Ah, wait," said Arnie. " 'Two plus

"I live in Rhode Island," states Roy Bongartz.

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two are four,' the teacher added." The eyes of the breakfasters flickered as if they had been given an obscure dare. "And 'four minus two are two,' he subtracted," Arnie went on.

"That one is no good," said Ce. "But it works with *added*. Why is that?"

"Because our language is mystical. It's runic and medieval and extra-sensorial," I said. "Listen: 'I'm already up,' he lied."

Babs perked up: " 'We've taken over the government,' the general cooed."

Cheers for Babs woke us to the gravity of our discovery. Said Carl: " 'My experiment was a success,' the chemist retorted."

Said Arnie: " 'You can't really train a beagle,' he dogmatized."

Said Ce: " 'That's no beagle, it's a mongrel,' she muttered."

Then, after a pause in which six brains silently whirred, Carl came up with a real dog: " 'You ought to see a psychiatrist,' he reminded me."

This mental effort depressed us, and I thought that maybe the game would fade away, and the day could finally begin after all. But Arnie zapped us with, " 'I'm dying!' he croaked," and we had to applaud. We even named the game Croakers in honor of this triumph—or, more grandly: the Tom Swift Verbal Croakers game, with a nod to an earlier adverbial form.

Wondering what was to become of our terrible word magic, we went out on the beach and deployed on blankets around the beer cooler. Nobody wanted to go swimming for fear of letting someone else get away with an illegal or outrageous Croaker. Then, suddenly, a storm of Croakers broke.

" 'That's my gold mine!' he claimed."

" 'But it *was* mine!' he exclaimed."

" 'And I used to be a pilot,' he explained."

" 'The fire is going out!' he bellowed."

" 'Bad marksmanship,' the hunter groused."

" 'Another plate of steamers all around,' he clamored."

The storm passed, the sun beat down hot, and it was hard to tell whether anyone was thinking anything. Finally we went swimming, then came back to our stretch of beach and drank beer, and I thought the word threat might have left us. I lay back to bask happily in the sun, and let my mind wander freely. Then suddenly I sat bolt upright. " 'Your upstairs bathroom is all installed,' the plumber piped up."

"Aw, pipe down," Arnie said, gratuitously.

" 'Pipe down,' he piped up?" I suggested.

Ce said, " 'Your basement lavatory is ready,' he piped down." She had sand thrown at her for breaking all sorts of unwritten rules. She was even accused of punning.

Arnie said, " 'I'm going to do up this package outdoors,' he rapped out."

Babs said, " 'I've got a new game,' mumbled Peg."

"Double-worded ones!" said Ce. "All right: 'I spent the day sewing and gardening,' she hemmed and hawed."

"What's *hawed*?" asked Dot.

"Cultivating rose bushes," said Ce.

" 'I was in a riot in Paris,' he noised abroad," said Carl.

He was booed. Arnie said, "If you can get away with that, then I can do: 'My bicycle wheel is melting,' he spoke softly."

I thought that now, at last, we had croaked our last, but I was wrong.

" 'No frankincense for me,' he demurred," said Ce.

" 'My ropes are tangled,' she snarled," said I.

" 'Let's clear out of this joint,' he articulated," said Dot.

Then, articulating our aging joints, we got up to go back to the house as a late-afternoon chill set in over the beach. □

The Most Hated Man in Michigan

BY WILLIAM SERRIN

DETROIT, Mich.—The most sweeping busing plan ever drawn up—U.S. District Judge Stephen J. Roth's order that cross-district busing be undertaken to link Detroit's largely black schools with the nearly all-white schools of the city's suburbs—has created an immense furor here. The equivalent of requiring blacks and whites to be bused between Harlem and Scarsdale or Chicago's South Side and Winnetka, Judge Roth's decision dominates Michigan politics, giving President Nixon a strong chance to carry this traditionally Democratic state in November. It is said that even dogcatchers are running on an antibusing platform this year.

Roth's order has, predictably, been appealed by the state, the suburbs, and the Detroit Board of Education. The Justice Department attempted to intervene to stop busing, putting the government on the side of anti-integration—which must be some kind of a first—but Roth ruled that the department had no right to enter the case. Arguments on the appeal will be heard by the Federal Appeals Court in Cincinnati starting this week.

The order has also made Roth a hated and vilified man. Angry whites attend antibusing rallies in the suburbs, their cars plastered with bumper stickers that read "Judge Roth is a child molester." The gray-haired, ruddy-faced judge, who lives in a comfortable house in an exclusive white suburban area south of Flint, has been hanged in effigy in the working-class suburb of Wyandotte and condemned over linen tablecloths in Bloomfield Hills and Grosse Pointe.

An eleven-member panel set up by Judge Roth earlier this year estimates that about 290,000 students, or 37 per cent of the 780,000 students in the three-county Detroit metropolitan area, will have to be bused to achieve integration. (Presently the fifty-three school districts involved bus 202,000 students, primarily for distance reasons.) This would make the school population, like that of the metropolitan area, 25 per cent black. (As things stand now, schools in Detroit proper, where the majority of the area's blacks live, are 65 per cent black.) As a rule, kindergarten students would not be bused but would attend neighborhood schools. An elementary school child would attend his neighborhood school for three of the grades one through six and would be bused to a school the other three years; junior and senior high school students would similarly be bused for three out of their six school years.

The Roth order asks a difficult thing of white parents: namely, to place their children on buses headed for a city that many of them worked hard to earn enough money to be able to flee. But what has been asked of black parents in the past, and what may be asked of them in the future foreseen by Roth, is even more difficult. Until now they have had to send their children to dilapidated, crowded, and decidedly inferior Detroit schools; under Roth's order they would send them to communities whose inhabitants have made it clear that they do not want to associate with blacks. Thus blacks can expect their children to meet with a rough reception.

Because of the lack of courageous leadership in Detroit, the busing issue has pre-empted discussion of more basic problems. The fact that many Michigan cities, not just Detroit, are providing inadequate education is one presently overlooked problem. The fact that education is a class problem is also slighted. (Blacks in Detroit have long suffered from having to attend poor schools, but then so, too, have white students in the city's working-class suburbs.) Meanwhile no mention is made of the fact that the violence that has occurred throughout the country when schools have been integrated has come

William Serrin is a staff writer for the Detroit Free Press.

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largely from the whites, not the blacks.

Douglas Fraser, a United Automobile Workers vice president who unsuccessfully urged Democratic congressmen to display courage in the busing dispute, claims that, if political leaders had taken more responsible positions, there would not be the hysteria that exists in the Detroit area today. The trouble is that white politicians here seem to have assumed from the start that their constituents would not listen to arguments or be moved by the plight of the blacks. In short, that they were bigots. State Sen. Coleman Young says that he, a black, thinks more highly of white suburbanites than do their white leaders. "I have faith in whites," Young says. "They don't."

A statement by the National Association for the Advancement of Colored People, which brought the suit that led to Roth's decision, asserts that what is at stake in the Detroit case is whether the U.S. Supreme Court's 1954 school desegregation decision (*Brown* v. *Topeka Board of Education*) is "to be a mockery," with the nation declaring school segregation unconstitutional, while insisting on the other hand that because ending segregation is painful and unpopular with white people things should be left as they are.

One of the most fascinating aspects of the Detroit school case is the transformation of Judge Roth, a cautious, conservative man who a year ago told lawyers from the NAACP that he did not like "outsiders" meddling in Detroit's affairs and who said that he had no wish to involve suburbs in the case. Roth has been known to use pejorative racial epithets in private conversation. And in 1969, in a scathing Law Day speech at Flint, he denounced the U.S. Supreme Court for showing a "disproportionate sensibility [in regard to] the treatment of the accused criminal and an almost total lack of concern for the victim of the crime." He said there were too many appeals, lambasted activists who "do not wish to heal but to destroy," and railed at hippies. The nation, Roth said, seemed headed toward "limited anarchy."

Forced busing may well be the Red scare of the 1970s.

Stephen Roth was born in 1908 in Hungary, the son of a caretaker on a Hungarian nobleman's estate. His father immigrated to America in 1911, coming first to the steel country in Pennsylvania, later moving north to the Buick plant in Flint. Stephen's mother brought him and his sister over in 1913, making the trip in steerage. The family lived in a working-class neighborhood on Flint's north side, where immigrants, blacks, and southern whites lived side by side (if not very amicably) in flimsy frame houses under the Buick smokestacks.

After graduation from high school, Roth worked in Flint for several years before he decided to go to college. He graduated from the University of Notre Dame in 1931, then went on to get his law degree from the University of Michigan in 1935. In Flint, where he set up practice, Roth became interested in politics and ran unsuccessfully for the Flint city commission. In 1948 he was elected attorney general as boy wonder G. Mennen Williams led the Democratic ticket to victory. But two years later Roth was defeated for re-election in 1950.

In 1951, upon the death of Sen. Arthur Vandenberg, Democratic party leaders urged that Roth be appointed to the vacancy. Williams appointed Blair Moody instead, but in 1952 he named Roth to the Genessee County circuit court. Ten years later President Kennedy appointed Roth, who had been nominated by Sen. Philip Hart, to the federal district court.

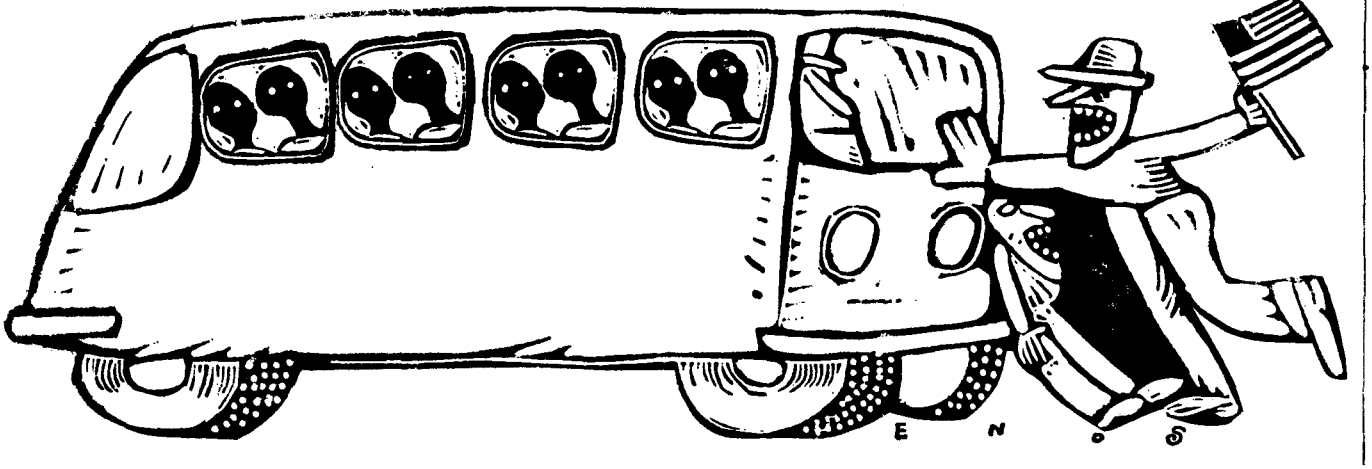
Throughout these years Roth's reputation was that of a deliberate man within the Democratic party's conservative wing, a man so deliberate that in the Detroit schools case he wrote down his courtroom jokes before he cracked them.

From the NAACP's point of view, Roth was hardly the best possible judge to hear the Detroit school case. In December 1970 he said he was opposed to the "forced feeding" of integration plans, meaning busing plans instituted by the courts. Yet the evidence amassed by the NAACP was so overwhelming that Roth was won over. And it was Roth who suggested that suburban school districts be involved in a Detroit integration plan.

At the three-month trial, which began in April 1971, it was demonstrated to Roth that banks, savings and loan associations, and other mortgage and brokerage houses in Detroit often "red-lined" neighborhoods in the city, meaning blacks could not get mortgages in these areas. He also learned that the Federal Housing Administration and the Veterans Administration used mortgage politics to encourage "harmonious"—i.e., all-black or all-white—neighborhoods.

Black real estate salesmen testified that despite open occupancy laws they could not find homes in suburbs or white areas in Detroit to show their black clients. Other testimony demonstrated that the Burton Abstract and Title Company, a large Detroit title insurance firm, included racially restrictive covenants in its real estate contracts until as recently as 1969—twenty-one years after the U.S. Supreme Court had ruled such covenants unconstitutional—and that the Detroit Housing Commission built only large projects in black areas rather than small ones that would tend to scatter blacks throughout the city. In his decision Roth observed that the Detroit public school system located new buildings in either all-white or all-black neighborhoods, thus perpetuating previous segregated patterns, rather than in border areas that would draw both blacks and whites.

Roth ruled in September 1971 that Detroit and the metropolitan area were segregated areas. In a stinging rebuke to the Establishment, he went on to say: "Government actions, and inactions at all levels, federal, state, and local, have combined with those of private organizations . . . to establish and to maintain the pat-



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tern of residential segregation through the Detroit metropolitan area." In March 1972 he ruled that he had the legal authority to consider metropolitan schools in an integration plan. In June he issued his busing order.

Because Roth's order is now under a stay issued by the federal appeals court in Cincinnati, it is unlikely that there will be any massive busing in the Detroit metropolitan area this fall. Roth's panel says, however, that if the court action is completed by November 1—and if Roth is upheld—busing in seven of sixteen school clusters in which the fifty-three districts are grouped could begin in February 1973. Complete integration, the panel says, could be achieved by September 1973.

There is a good likelihood that the appeals court will uphold Roth's order; the three judges who comprise that court have the reputation of being fairly liberal. But a strong possibility remains that, if the case goes to the Supreme Court, Roth will be overruled at least to the extent that busing will be restricted to Detroit. No one has any real doubt that Roth's decision that de jure (by law) segregation exists in Detroit will stand. What is at issue is whether Roth has the power to involve the suburbs in the case.

William Penn, executive director of the Detroit branch of the NAACP, sees busing whites in from their suburbs as the only way to pressure them into accepting their responsibility to assist in the education of the black and the poor. As things stand now, Penn says, the main concern of white businessmen, industrialists, newspaper editors, and the like is simply that Detroit's freeways be kept in good enough repair to allow them quick access to, and a fast getaway from, their offices, the shopping centers, the hotels, and Lions and Tigers games.

Former Detroit schools superintendent Norman Drachler, forced out of his post because of his liberal inclinations, says the shrillness of the debate over busing is both a measure of the people the educational system has produced and, in turn, an indictment of that system and of our society. Busing will bring turmoil and friction, Drachler concedes, but it is better, he thinks, to face up to this now than to allow the problems created by segregation to grow more serious. C. L. Golightly, a black member of the board of education, says that the behavior of Detroit-area citizens today reminds him of that of citizens of Arkansas, Georgia, Louisiana, and Mississippi in the 1950s and early 1960s. Southern states have moved to integrate their systems, and busing has become an element in that integration, Golightly points out. "Here in Detroit" he adds, "we're just behind the times." □

Love Song to Willie Mays

BY JOE FLAHERTY

SHEA STADIUM, N. Y.—When Willie Mays was traded by the San Francisco Giants and came back to New York last spring, many fans—may God forgive them—argued a cold case: What could the forty-one-year-old center fielder with a waning batting average and a waxing temperament do for the Mets? To those of us who had grown up debating whether the first person of the Holy Trinity was Mantle, Snider, or Mays, Willie's return was a lover's reprieve from limbo. No matter that the Mets had been amazin'—a part of our hearts was coming home from San Francisco.

As a teen-ager in the vociferous borough of Brooklyn, I was a Giants fan. My Galway father reasoned that any team good enough for John McGraw was good enough for him and his offspring. So the Flaherty boys, rather than take a twenty-minute saunter through Prospect Park to Ebbets Field, made their odyssey to 155th Street in Manhattan—the Polo Grounds. In that sprawling boarding-house I had to content myself with the likes of Billy Jurges, Buddy Kerr, and a nearly retired Mel Ott, whose kicking style at bat was already a memory. Of course, we had Sal Maglie, that living insult to Gillette, who thought the shortest distance between two points was a curve. But the enemy in Brooklyn was as star-laden as MGM: Reese, Robinson, Furillo, Cox, Hodges, Campanella, *et al.*

Then Willie Mays arrived and gave us respectability; even the enemy fan was in awe of him. He had a body forged on another planet. After I saw him bound across the 155th Street prairie to haul down Vic Wertz's 1954 World Series drive, no ballet dancer could ever make me swoon again.

Yet, looking back on the final playoff game against the Dodgers in 1951, I think his comet could have sputtered. I was in the stands that day with a gang of other hookey players. Mays was young—too young, too unsure—a kid trying to please his surrogate father, Durocher. If he had come to the plate in the ninth, something dire surely would have happened. He would have dropped the bat, or lunged at the ball like a drunk climbing stairs. He didn't flub, of course, since Bobby Thomson's home run ended the series with Mays still on deck.

The mind's eye conjures up the scene as the rest of the Giants rushed to home plate to greet Thomson. Willie, who had been standing right there, should have been one of the inner circle, but for a moment he was paralyzed. Then he began to jump up and down on the outer fringes, a chocolate Pogo stick trying to leap over the mob, leaping higher than all. He was acting like a man who had just received the midnight call from the governor.

Now it is Sunday, May 14, 1972. This is no sun-drenched debut of a rookie; the sky is overcast and threatening. The opponents are those lamsters from Coogan's Bluff and Willie's recent classmates, the San Francisco Giants. Shea Stadium is as displeasing as ever. Sitting high up in the stands, you feel like a fly alone on the edge of a bowl. (The ideal baseball park packs you all in together and forces you to bend down in a communion of concentration. Ebbets Field was such a park.) Today, as usual, the fans are fatuous. The kids, like groupies for the Rotarians, are carrying signs saying, "Hicksville Loves the Mets" and "Huntington Loves the Mets." Alas, Babylon cannot be far behind. When Willie Mays steps out on the sidelines to warm up with Jim Fregosi, the crowd, drooling like an affectionate sheepdog, cheers. A Little League of the mind.

But there is still a sprinkling of magic in the stands. The black men and women from the subway wars of long ago are here: the men in straw hats, alternating a cigar and a beer under the awnings of their mustaches; the women with their bouquet bottoms (greens, reds, yellows, purples) grown slightly wide with age. They won't yell, "Charge!" when the organ demands it (that insulting machine is a gift from the Los Angeles Dodgers), nor will they cheer a sideline game of catch. They have seen the gods cavort through too many series to pay tribute to curtain-raising antics.

Mays is in the leadoff spot. I watch him closely, for the pundits have been playing taps for Willie lately. Many aging ballplayers go all at once, I know, and his .184 batting average is not reassuring. Nothing much is learned from his first at-bat. He backs away from "Sudden Sam" McDowell's inside fast ball, betraying a trait that is becoming more noticeable lately. He doesn't feverishly bail out, just steps back apprehensively. The indignity is small, like an elegant man in a Homburg, nodding off in a hot subway. Finally, Mays walks, and Harrelson and Agee walk after him. Then Staub, disturbed by the clutter, cleans the bases with a grand slam. Mets, 4-0.

I notice, when Mays comes up again, that he shops for pitches more than he used to. Where once there was unbridled aggressiveness, there is now a slight begging quality. This time patience pays a

Joe Flaherty reports for The Village Voice.

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price, and Mays is caught looking at a third strike. The head of the man in the Homburg slumps onto the shoulder of the woman next to him.

At the top of the fifth the Giants rough up Met pitcher Ray Sadecki for four runs. In the course of their rally they pinch-hit for their lefty McDowell; now Mays will have to hit against the Giants' tall, hard-throwing righthander Don Carrithers. Bad omens abound. If a lefthander can brush Willie back, what will a righthander do? The game is tied, and he will have to abandon caution. Worse, the crowd demands a miracle. Mays is an old man, this aging fan's mind reasons; let him bring back the skeleton of a fish, a single.

But even former residents of Mount Olympus now and then remember their old address. Mays hits a 3-2 pitch toward the power alley in left center—a double at least. I find myself standing, body bent backward, like a saxophone player humping a melody, until the ball clears the fence for a home run. The rest is simple: Jim McAndrew in relief holds the Giants for four innings, and the Mets win, 5-4.

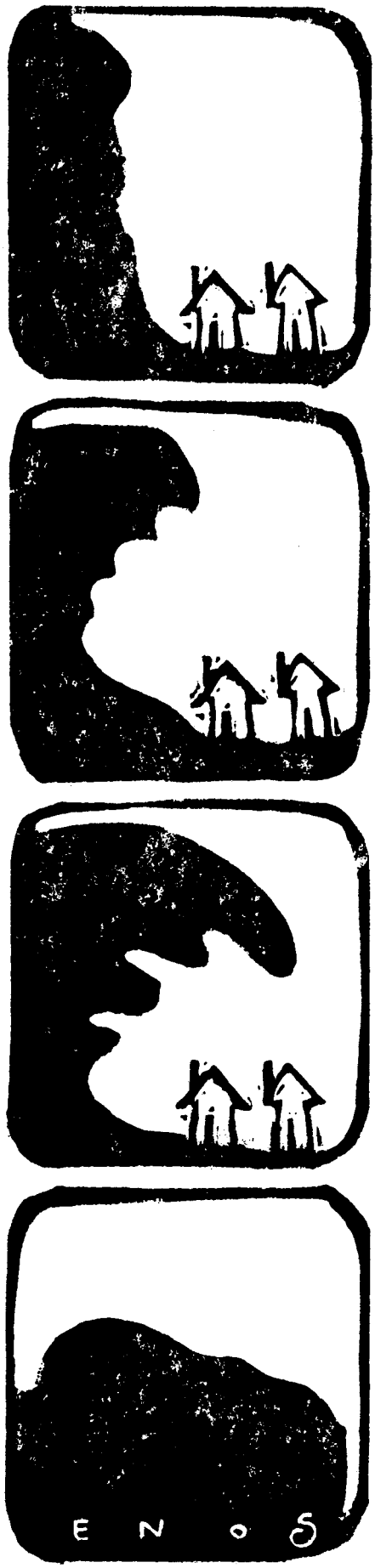
I didn't know until then that warmed-over passion could be so exciting. Since he joined the Mets, Mays has been responsible for, or at least instrumental in, winning about ten games with his hitting, fielding, high base-on-balls percentage, and his heads-up running of the bases. He has raised his average over .250 (his Mets batting average is over .280), has hit five home runs altogether, and has had nineteen RBIs in less than 200 times at bat. Plus, when he is listed in the line-up, he has the sure-fire gate glamour of a hootchy-kootchy dancer on a Bible-Belt midway.

So the message here is: Willie still swings. Unlike all those "son of" epics around now, he might be his own sequel. □

Buffalo Creek Aftermath

BY HARRY M. CAUDILL

BUFFALO CREEK, W. Va.—Last February 26 here in Logan County an enormous mountain of slag and other waste deposited by the Buffalo Mining Company collapsed after several days of heavy rain. Atop the heap hundreds of feet over the Buffalo Creek Valley sat a 14.2-acre lake like a pool of gravy in a mound of mashed potato. Together the 132 million gallons of water from the lake and the waste mixed into a thirty-foot-high batter of gob that slopped down the steep valley, tearing through a dozen hamlets, smashing and burying hundreds of houses, sweeping away roads and bridges. At least 125 persons died. Over 4,000 of the valley's 5,000 residents, mostly from poor mining families, saw their homes destroyed.



Last February a wave of gob slopped through a West Virginia valley, killing at least 125 persons.

Now, more than six months later, desolation and despair are nearly all that is left in Buffalo Creek Valley. The dislocations caused by the flood remain overwhelming—the mind cannot grasp the situation unless one has seen it. Some people have lost relatives or friends or both. Many who have lost homes and savings have little hope of possessing either ever again. Some can't even be sure where their houses once stood, for all landmarks are gone. Where thousands of people once lived on cinder-coated streets, many acres now stand vacant and await the future.

Unfortunately, much of that future is dependent on those whose neglect and indifference were responsible for the disaster: the Pittston Company, owner of Buffalo Mining and the nation's fourth-largest coal producer. A huge corporation with immense profits and influential connections has simply eradicated a whole string of communities—and done it with astonishing composure.

For years Pittston blithely disregarded state and federal laws prohibiting discharge of industrial wastes into navigable streams and "tributaries thereof" and proceeded to rid itself of slate, shale, coal, and sludge simply by dumping them into a hollow. The company also flouted regulations issued by the Bureau of Mines under the 1969 Coal Mine Health and Safety Act, which declare that "refuse piles shall not be constructed so as to impede drainage or impound water." The peril posed by the slag heap and the lake of poisonous water glistening on its top had been discovered long before the prolonged rainfall in late February. In 1966 then Interior Secretary Stewart Udall ordered the U.S. Geological Survey and the Bureau of Mines to make a study of mine-waste dumps in the coal fields. Among thirty-eight singled out as hazardous in West Virginia, an immense pile on Buffalo Creek drew the special attention of USGS geologist William Davies. The official form asked, "If bank should be unstable what would happen?" To which Davies answered, "Large wash would fill valley." Another question asked, "Would this bank remain stable after hurricane-type precipitation?" And the reply was an unequivocal no. In a splendid display of prophecy and forewarning, Davies dealt

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with the final query, "If not, what would be the result?" His answer would be precisely fulfilled on the fatal morning of February 26: "Low freeboard of dike (8 feet) on N.E. corner of lake would allow topping and breaching of bank."

Because of Davies's report federal officials knew of the existence of the gob pile, that it was unstable, that the northeast corner of the dam was weak, and that in a "hurricane-type" rainfall it would break and fill the valley. They knew that such rains would come to wet Appalachia—as one did for several sodden days in late February. But no action was taken. Udall sent a warning letter to the state's representatives and two senators and the then governor, Hulett Smith. The letter proposed a requirement that the angle of bank slopes be reduced and that adequate spillways be installed. The companies ignored the suggestions, the officials ignored the warning, and the Bureau of Mines ignored Udall's pledge "to continue to observe mine dumps for possible critical situations." No one did any costly boat rocking. In 1971 Pittston's profits soared to $44.4 million, a husky 16 per cent of income.

And when the clearly foreseeable inundation came, there was an almost equally foreseeable rush to disclaim responsibility. Speaking for the U.S. Bureau of Mines, Donald Schlick, deputy director, said, "We might have jurisdiction if it was a refuse pile, but if it was a dam per se, I guess we don't." Gov. Arch A. Moore, Jr., running for re-election against John "Jay" Rockefeller IV, was all bluster and thunder. He denied that his own failure to try to alleviate the perilous conditions at Buffalo Creek had contributed to the disaster and rejected the company's feeble assertion that the state had refused to allow it to drain the lake because the water would kill fish downstream.

Then the busy governor ordered state police and national guardsmen to keep "irresponsible" news people, including some who were bird-dogging Sen. Jennings Randolph, out of the valley. This act of statesmanship riled Randolph, who solemnly intoned: "The public has a right to know. Someone is trying to cover something up, and I want to know what." The "somebody" and the "what" were indicated by other pronouncements from His Excellency, the Governor. The lake had been used as a settling basin for mine wastes, Moore said, and was, therefore, "logical and constructive." Sadly, the chief executive observed that the worst thing about the tragedy was the bad publicity it had brought the state.

Robert Reineke, a spokesman for Clinchfield Coal Company, Pittston's biggest operating subsidiary, admitted to reporters two days after the event that

"The public has a right to know," intoned Senator Jennings Randolph. "Someone is trying to cover something up and I want to know what."

"the responsibility is Pittston's in the long range. I would say the refuse pile is our responsibility." But Pittston promptly overruled the candid Mr. Reineke with a statement an earlier era might have treated as blasphemy. Reporter Mary Walton wrote in the Charleston *Gazette* that a Pittston official had told her by telephone that the flood was an act of God. There was nothing wrong with the gob pile except that it was "incapable of holding the water that God poured into it," he had said.

The federal government has provided some aid, but, as is usual in such situations, the effort has been inadequate and snarled in red tape. Federal relief funds amounting to $7 million and another $5.4 million in loans have been made available through a maze of thirteen governmental and social agencies. The multiplicity of overlapping and competing agencies involved would baffle the most sophisticated, but despite monumental bureaucratic ineptness some benefits have filtered down to the stricken.

The Army Corps of Engineers has donated mobile home sites, and 483 of the wood and metal oblongs have now been installed at a cost of $2.4 million. They provide shelter for 633 people. The sites and their water, sewerage, and electric facilities cost another $3 million. The homes can be occupied rent-free for a year, then bought over a thirty-year period at the government's cost minus one year's depreciation. Since many of the buyers are old, disabled, and sick, it is likely that a good many purchasers will have become delinquent long before 2002.

In the meantime the state has imposed a quarantine that prevents private rebuilding until adequate water and sewerage facilities are available in the valley. Since they never existed before, their installation may take years and, more probably, will simply never occur.

As of mid-May Pittston had not been nearly so generous as the government. By that time 1,971 claims had been filed against the company, but only one—for $4,000—had been paid. In mid-August Zane Grey Staker, a Pittston lawyer, said that the company had made progress. "A lot of water has passed over the dam," Mr. Staker stated, adding that a vast majority of both death and property claims had been settled and that fewer than 100 remained outstanding. He did not say how much money had been paid. Attesting to the general poverty of the valley, property loss claims range from $2,500 to $47,000. Charles Cowan, a black service-station operator at Amherstdale, has organized some of the victims into the Citizens' Disaster Committee, and they have contacted a Washington law firm (Abe Fortas's old Arnold & Porter) to prosecute claims against Pittston. But at Pittston's office in New York no one seems worried. In a statement filed with the Securities and Exchange Commission on March 31 the corporation reported that, while the claims may, in the aggregate, be substantial, ". . . Pittston believes that ultimate effects of such claims should not be material in relation to its consolidated financial position."

Nothing at all has changed on those scores of hilltops in Tennessee, eastern Kentucky, western Virginia, and West Virginia, where mine refuse towers ever higher and new Buffalo Creeks are being readied. After ceaseless hand wringing about the doom that has already struck on Buffalo Creek, an apparent consensus seems to ensure that nothing either extensive or costly shall be undertaken to prevent future disasters.

In May the oft-fooled people of West Virginia nominated Jay Rockefeller for governor on the Democratic ticket and thwarted the legislature's attempt to force Rep. Ken Hechler, an ardent critic of rapacious mining practices, out of office by nominating him in an elaborately gerrymandered new district. The vote for Hechler was an astonishing 2½ to 1. West Virginians have wearied of environmental desecration and irresponsible corporations that kill miners and their communities through monumental negligence. The horror of Buffalo Creek has done much to awaken the state to an awareness of its plight and to start it moving into modern times. Accountability is coming at last to the hills and hollows.

The new mood was illustrated recently when Governor Moore visited the valley. A mountaineer, Delbert Toler, complained about the ruin caused by hillside stripmining, and the governor undertook to defend the industry and his own pro-coal position. Toler got the message, and, when the governor extended his hand, Toler refused to shake it. Enough is enough, even in West Virginia. □

Harry M. Caudill is a lawyer in Whitesburg, Kentucky, and the author of Night Comes to the Cumberlands.

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That Persian Feeling

BY RENÉ LECLER

I am sitting in the Persian caravanserai garden of the Hotel Shah Abbas in Isfahan. The night is falling gently and the roses Omar Khayyám wrote so many poems about are blooming all over the place. The muezzin next door is calling the faithful to prayer from the top of his glowing minaret, which looks like an exotic cigar being smoked by an invisible giant. Like a true tourist all I can do is sit there, order my Scotch without any regret, and hope that tomorrow is going to be just like today.

Which it won't be. A moment or feeling never seems to repeat itself in Persia, or Iran as it is now called. That is the trouble with Omar Khayyám. He draws you to Persia, but when you arrive, you find that all he is known for is his mathematics. Some mathematician. Some poet.

This is Persia all over—incongruous, commonplace, and utterly beautiful. The surprises never end. For instance, the Persian word for "thank you" is *Merci*. Some Persian. Every car and almost every taxi has its own wall-to-wall Persian carpet, which, as status marks go, beats a two-note horn. Persians are strange people, too—they don't seem to hate or dislike anyone, which, in today's world, is very odd. One Jewish-American fellow traveler told me last night: "You know, I just don't understand these people! They know I am Jewish and they know by my passport that I have just visited Israel. They are Muslims, but they just smile. When I mentioned this to my guide, he said: 'Well, we did have a little trouble with the Jews, but that was 3,000 years ago and we have forgotten about it!' "

A cup, or rather a glass, of tea in any Persian village costs the best part of one cent, and some say that before inflation reared its ugly head, it was even cheaper. The ice cream tastes like frozen molasses—where is that sherbet of yesteryear?—and on the Caspian coast I saw a sturgeon that tipped the scales at 1,200 pounds and yielded 320 pounds of caviar.

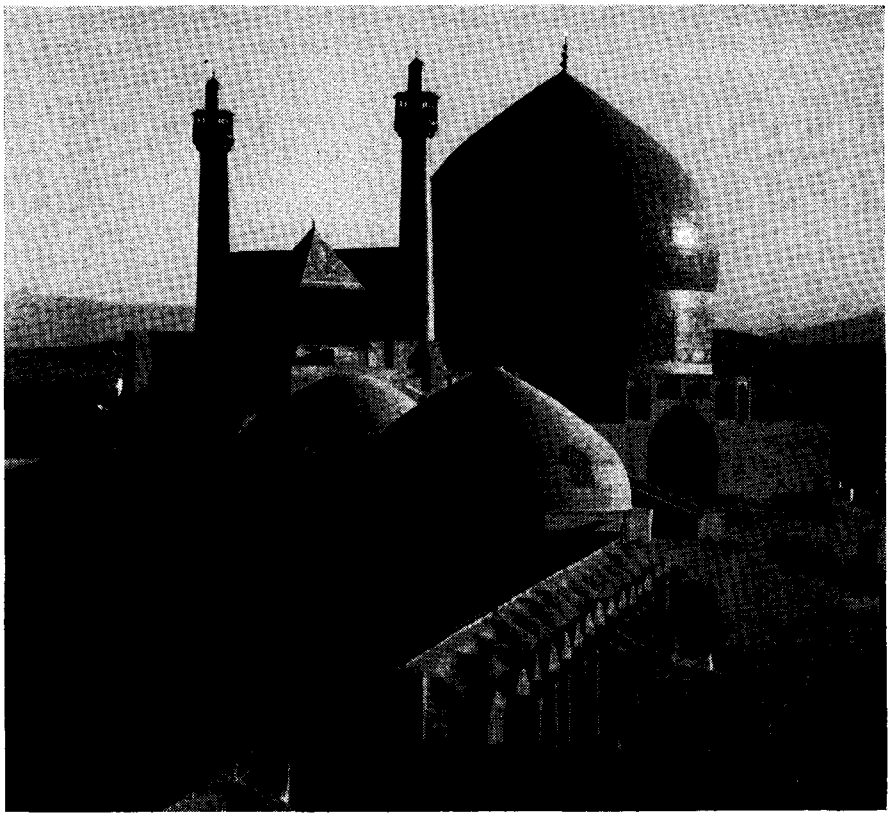
I was told at Bandar Pahlevi that the Iranians rear baby sturgeons and float them back into the Caspian. Although they go to feed in Soviet waters, they always come back to spawn in Persian territorial waters, which is very patriotic and also very good business for the shah of Iran, who owns the fisheries.

For me, the most interesting part of Persia is Isfahan. You can fly there in forty-five minutes by an Iranair plane from Teheran. I preferred to go by road, 250 miles full speed ahead, skirting the Great Salt Desert. This is an experience in itself—a succession of elemental landscapes changing under the sun from light champagne to dark brown and from hazy blue to the violent green of the fields on the banks of the *wadis*.

But it is at the journey's end where the real revelations begin. Isfahan is one of the most beautiful places on earth. In famed Shiraz, further south, there is a garden called Heaven, but heaven for me is here. If Oxford has its dreaming spires, Isfahan has its dozing domes, each one perfectly shaped, ranging from cerulean blue to sea green—each one guarded by a posse of slender minarets, a procession of archways, and a gurgle of fountains.

Isfahan was the creation of the Safawid kings and the personal masterpiece of the grandest of them all, Shah Abbas the Great, the Sun King of Persia. He and his family knew a thing or two. They practically invented Turkish delight, were all top mathematicians, hybridized roses to the point where they got the maximum amount of scent from the tiniest rose, and discovered the ultimate relationship between water and vegetation. Here, amid a sea of little houses that resemble freshly baked cottage loaves, they taught their contemporaries how to live.

The center of this seventeenth-century Safawid Empire was the great Maidan Square in Isfahan, which is practically untouched to this day. It is the size of the Place de la Concorde, but infinitely more graceful and better pro-



"This is Persia all over—incongruous, commonplace, and utterly beautiful."

René Lecler is the travel editor of *Harpers & Queen* in London.

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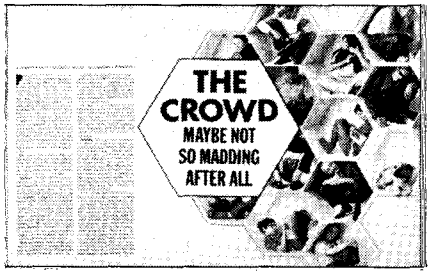
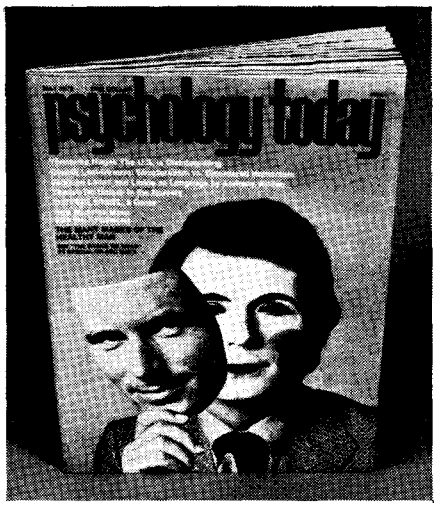
Just a few examples:

Could Psychology Today have prevented Vietnam? "How could we have been so stupid?" President Kennedy asked after the Bay of Pigs. But stupidity was not the answer. The men who had participated in the decision were brilliant.





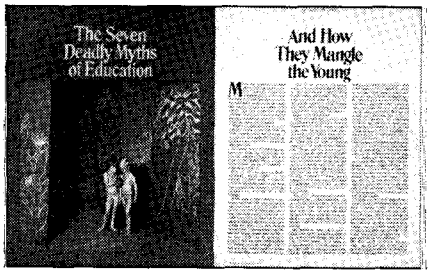
Irving L. Janis spent two years looking for the answer. He studied not only the Bay of Pigs but also Pearl Harbor, Vietnam, and other policy disasters. In each case he found that the decision-makers appeared to be the victims of certain clear laws of Groupthink that result in the distortion of sound collective judgment. And he made 9 recommendations for doing better, whether in the White House or your local P.T.A.

All the world loathes a loser. Why do we tend to hate martyrs? In a controlled experiment designed to find out, observers watched a 10-minute video tape of a person reacting with apparent pain and suffering to supposed electric shocks for incorrect responses. The observers were then asked to rate the attractiveness of the victim in terms of cooperativeness, maturity, kindness, etc. One startling finding: when the observers were powerless to alter the victim's fate and believed that they would have to watch the victim suffer again, they saw the victim as an undesirable, unattractive person.

Persuasion that persists. In just 40 minutes, using no coercion, a psychologist can alter your basic values and change your behavior. Students at one university showed changed behavior as long as 17 months after the experiment, says a social psychologist as he ponders the ethical emplications of his work.

Do you have what it takes to be a successful investor? 64 students were asked to manage imaginary stock portfolios. Later, psychological tests showed that the successful investors—those who did substantially better than the Dow Jones Industrial Average—had definite personality patterns. Then 60 stockbrokers were studied, and all 9 of the traits that identified successful student investors were found to be reliable predictors of actual career success.

Spare the Rod, Use Behavior Mod. Instead of spending years searching for the cause of troublesome behavior by a child, argue the behavior modification theorists, why not just change the behavior? Douglas was an 18-year-old who hadn't been able to sleep for two years. He consulted his mother about his worries 25 or 30 times a night. He had tried tranquilizers, a psychiatrist, a psychologist. After two weeks of behavior modification therapy, his bedtime visits ceased.



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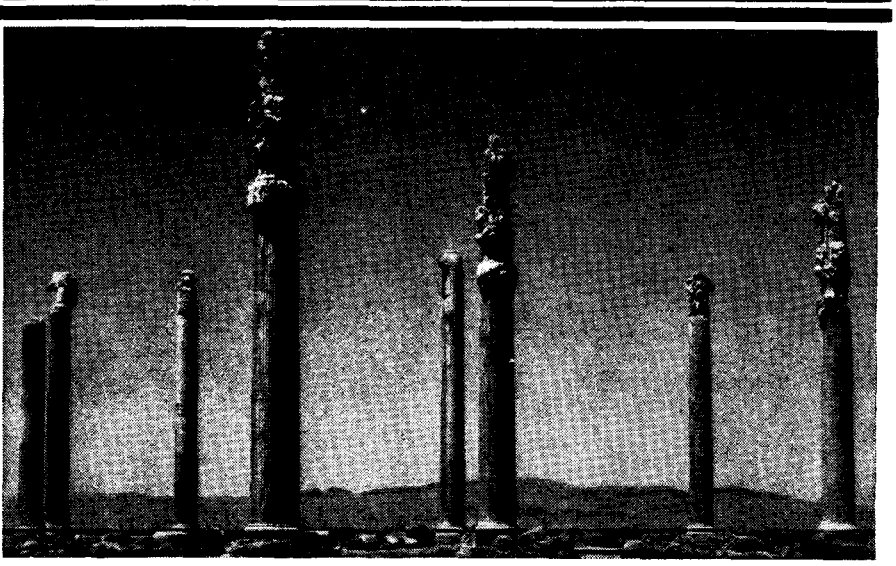
portioned, lined with houses and shops with perfectly curved Persian windows. On one side is the Ali Qapu, a spindly, delicate wooden pavilion, a kind of Persian Malmaison where Shah Abbas entertained his guests and watched polo (another Safawid invention) being played on the Maidan below. One side of the square is the ornate entrance to the bazaar. On the other two sides are the two masterpieces of the Persian renaissance, the Lotfollah Mosque and the Shah Mosque. I climbed gingerly to the top of the Lotfollah—the place, as the legend has it, where you feel closer to God than anywhere else. The dome is superb mosaic work of delicate biscuit color belted with a vast frieze of turquoise tiling.

From behind it I caught my second sight of the Shah Mosque, resplendently blue, but of a blue so rich and subtle that it turns to aquamarine and then to a deep watery green in the daylight. Lacy minarets, 150 feet high, rise above the high dome. With its courtyards and its arches, its whispering galleries and its secret gardens, the Shah Mosque is like a huge, yet exquisite, jewel box, empty save for the prayers of men.

And all around in this astonishingly beautiful and entrancing city are the descendants of the craftsmen who built it—tilers and masons, gunsmiths and leather men, painters and gold-leaf makers, copper beaters and furniture makers—each one happily at work in the beehive of a labyrinthine bazaar. They know how to relax, too. I saw a whole crowd of them on a Friday night sitting where Shah Abbas himself used to sit, in the lovely arches of the Allah Verdi bridge, catching the cool of the river and smoking their hubble-bubbles.

In the center of this city, next to another mosque where little Persian boys sit reciting their Koran in thin, high voices, is one of the world's unique hotels, the Shah Abbas. The Shah Abbas is an authentic Persian caravanserai, where caravans used to roll in from the desert with their protesting camels and their loads of Chinese and Indian silks. It stands foursquare, and each bedroom, with its authentic carved persienne shutters, looks over the central gardens that are filled with singing birds and gushing fountains. The dining room, in Safawid style, is so ornate with wall paintings of hunting scenes that one almost forgets the food. The bar, like some secret harem, is tucked away where true Muslims won't be offended by the smell of liquor. Here the nights go by velvety and scented, and the dawns explode, all pale blue and gold.



The Apadana terrace columns in Persepolis date from the reign of Darius the Great.

What else in Persia? I only can speak for a little of it. Teheran is best avoided, but that is almost impossible since all the roads and airlines lead there. It is a huge, sprawling city built in what Iranians fondly believe is Western style and what foreigners could hope Iranians would never copy. One of its saving graces is the Royal Teheran Hilton, which is one of the best of the line. Another is the inevitable procession into the vaults of the Bank Melli where the shah keeps his magnificent Peacock Throne and the crowns of his predecessors. In one room small wooden barrels line the walls, each barrel neatly numbered and containing the shah's gold, sapphires, diamonds, emeralds, and rubies—all very useful for a rainy day.

A fifth-century (B.C.) lion still grimaces.

There is also Shiraz, the city of the poets and, not far away, the vast and monumental Persepolis of Darius. There is more history half-buried in the sands of Persia than anywhere else on earth, with the exception of Greece. It is also a country where people take most casually what we marvel at, like a banker's ransom of Persian carpets being carted in a great lumbering truck to a little hill pool to be washed and dried in the sun next to a priceless bas-relief of ancient Persia.

For me, Persia was also the discovery of the Caspian shore. The drive from Teheran up the majestic Elbruz Mountains is the Cresta Run of the Middle East and more than a little frightening until you reach the green hills that line the biggest inland sea of all. Over the horizon lies Soviet Russia. Here are fine beaches, vast stretches of paddy fields where the women work bent in two, great tea terraces from which the Persians get their tchai, and way-out little villages where houses of timber and wattle stand on high, sculptured columns. In the Northeast, on the way to the heart of Asia, there is also the holy city of Meshed, which, I am told, is better than all the rest put together.

Maybe. But I shall return to Isfahan—to walk in the bazaars, to gloat over the blue of the Shah Mosque, and to stand, with some reverence, in the Maidan Square, the center of the world for a nation that was once great and is now trying hard to preserve a rare and splendid identity. □

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Letters

Marriage Contract

I have just read "The Radical Guide to Wedlock" by Norman Sheresky and Marya Mannes [*SR*, July 29] and agree wholeheartedly with the points relative to the idealism of marriage versus the reality of divorce. The problem does seem to stem from the fact that although people are entering into a contract, no more thought is involved other than the usual blood tests, license application, and questions about who will attend the wedding. In my particular case, I was married at the age of nineteen; at the age of twenty-five I found myself crushed with court battles, identity problems, and a son to support. If wishes were horses, beggars would ride, but I wish that I knew the reality of divorce before I entered into a seemingly happy marriage.

People just assume that marriage is forever and the possibility of its failure isn't even considered. This attitude must be changed before the entire marriage structure crumbles.

Sandra K. Greifzu
Havertown, Pa.

While parts of the Sheresky-Mannes premarital contract do make for equality of both partners in marriage, some parts do seem very oppressive for the female partner. Why should the woman agree that the place of residence shall be based on where "Donald" rather than "Ina" may be employed . . . regardless of whose earnings are greater? The right to be domiciled in an area of one's liking is just as precious to a woman as to a man. It does not seem that the woman should have to give up this right, as Article III (a) of your contract would have her do. Further, I fail to find any delineation of sharing of household duties and child-rearing, including payment for the woman's work done in the home, apart from her outside job.

The value of the wife's homemaking labors is not covered under Social Security; nor does she have the psychological satisfaction of having her homemaking services included in our Gross National Product. Unpaid labor makes for inequality. Since whoever does the homemaking labor contributes to the family income, I would suggest that this is a most important part of any premarital contract. Without this definition of the homemaking labors, your article is not truly contemporary.

Marjorie B. Plastina
Niantic, Conn.

From the vantage point of one barely out of adolescence and, as yet, untouched by marriage on the immediate, personal level, I find the Sheresky-Mannes article far from being radical, but more a last-ditch attempt to save marriage as a legal, and thereby, socially acceptable institution. If anything, their proposal for a marriage contract does more to invalidate it than to sell it to an ever-growing number of skeptics who are wondering if it's worth it at all. What Mr. Sheresky and Ms. Mannes are talking about is a merger, not a marriage—and I consider the latter as being a far superior act. They completely ignore the concept of marriage as the bringing together of two halves into a whole, the spiritual reason for its existence. This concept needs no material, legal binding to keep it together, no physical contract to remind the participants of just what it is they're getting into. Marriage is spiritual (which is not by any means synonymous with religious); mariage is giving, not getting. And how I've managed to survive with an ideal like that, I'm not sure, although I have my upbringing to thank for having it at all. It is this ideal that just may result in my refusal of marriage as Sheresky and Mannes visualize it and as it is being sold to the public now—in a strictly legal wrapper. (Although one must not overlook the potential irony of a 'common-law' marriage.)

Debbie Groves
Newton, Kan.

I would like to point out one omission that in my opinion is almost as great an issue as sex and money in marriage—that is personal services, or, who does the grunt work? Husband, wife, both, or a hired helper?

In addition, I believe the marriage contract should be renewable every three years, regardless of "life" intentions or parties or the cumbersome process described in Article VI (f). People change (hopefully)! If people know their contracts are renewable, this may offer the time to get out grievances that can mount up, keep communications clear, and lessen the likelihood of divorce even more.

Barbara Tan
Edinboro, Pa.

Self-ignorance in a first marriage is a serious enough tragedy for the parties and the nation. When it is carried into multiplied marriages, further sets of damaged children and thus into future generations, the results are obviously disastrous: increased social ills from addiction through murder to lives of quiet desperation. The RGTW contract offers the challenge for change and growth with self-understanding.

I'm a Protestant worker with the national Judean Society, Catholic based, serving women in divorce distress. (This does not preclude realistic concern for male misery.) If apathetic citizens could, as I, see intimately the damages of self-ignorant divorce—from destroyed children

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to litigate suicide—there would be an immediate mass arising demanding legislation like the stated contract.

Gladys Yost
Littleton, Colo.

I was very much surprised that Norman Sheresky and Marya Mannes concentrated so completely upon just one of the dimensions in the marriage contract. There was no emphasis on the other two dimensions: the contract between the couple and the community; and the contract between the couple and the Greater Spirit of man, ie., God.

Rev. Daniel F. Crowley
Lakewood, Ohio

Bravo! I'm sending a copy to my ex-husband, saving a copy for our teen-aged daughter- and keeping a copy for myself in case I'm lucky enough for a "second time around"!

Mary Wheatley
Huntington, N.Y.

I am disappointed that you should accompany the rather thoughtful article "A Radical Guide to Wedlock" with a set of cartoons which degrades the article and marriage itself. Is it not possible to sell a good magazine without reverting to sex in its basest form?

Lela R. Eby
Mill Valley, Calif.

Nixon Victory

Clark MacGregor's article "The Coming Nixon Victory" [*SR*, July 29] helped solidify my support for Senator McGovern with such reasoned, unbiased, and self-evident phrases as: "I predict that President Nixon will receive a higher percentage of the black vote than any Republican has in the last quarter of a century" and ". . . among the most vocal college students are those who engage in activities, often illegal, that place them in the news. . . ." Is he referring to those youthful delegates at Miami? I am a white, middle-income defense plant employee, husband, and father. MacGregor's phrases offend me. I am both tired and angered at being played-off against youth and blacks who, I hope, find such tactics and rhetoric even more offensive than do I.

Barry Hogue
Edwardsville, Ill.

Clark MacGregor cites statistic after statistic to document that George McGovern is a minority candidate, supported by a few radical idealogues who will be abandoned for Mr. Nixon by any thoughtful voter. Mr. MacGregor has not done his homework very carefully, for he has omitted several important figures: 20,000—The number of American soldiers who died in Vietnam since 1969; 800—The number of POWs in enemy camps; 400,000—The amount allegedly paid to the GOP by ITT as part of a settlement with the Justice Department; 85 billions, or more—our new Defense budget.

Numbers can indeed be dehumanizing, as this administration has so aptly shown us. As each new problem or catastrophe befalls us, an impresario emerges to explain how the numbers really portend good, be it in reference to unemployment, inflation, or wage and price control. But the nation is dispirited: All the numbers in existence can't change that. Only a new President can.

Lowell E. Schnipper, M.D.
Rockville, Md.

Surely Mr. MacGregor's high campaign post would make one think that he had a certain amount of intelligence and sensitivity for the current political situation in this country. Yet, he is certainly the only man I have ever read who has portrayed Senator McGovern as a man lacking in candor. Senator McGovern is, after all, the candidate who has made public his finances and who has spelled out his programs. This candor has, all too frequently, given his opponents a basis from which to attack him without offering any alternative programs of their own.

But I find most disconcerting Mr. MacGregor's repeated identification of Senator McGovern as "irresponsible" and of his supporters as "radicals" and lawbreakers only. Is everyone who does not support Pesident Nixon a radical? Mr. MacGregor wonders how Senator McGovern gathered 46 per cent of the convention vote while winning only 23 per cent of the popular vote in the eleven primaries. Someone might explain to him that thirty-nine other states and three territories also cast votes at the convention and that, in the case of California, the highest vote-getter won 100 per cent of the delegates.

Linda Pohle
Denver, Colo.

West Point Resignation

Re: Lucian Truscott's "Major Bunting's Farewell Address" [*SR*, July 29]. Young Truscott speaks with all the wisdom and knowledge of youth not yet dry behind the ears. I wonder if the reading public realizes that this immature youngster is a 1969 graduate of West Point who resigned in 1970 as a second lieutenant.

As for Bunting, I think it probably wise he left also. Too bad a man of his ability—according to Truscott—couldn't work within the system to improve it if he felt things were in such bad shape. It's a funny thing that during my thirty-odd years of service as an enlisted man and officer—in a much more straight-laced Army than that in which Bunting or Truscott served—I always found my seniors very receptive to new ideas and constructive criticism! I feel both these ex-officers owed Uncle Sam more time and effort than they seemed willing to give.

Frankly, and in spite of Truscott's accolades, I don't really think Bunting will do much for education of high-ranking officers in the military service.

I must have been very lucky as a cadet and officer with more than nine years of duty at West Point, since I never ran into a "damned piss-poor" officer at any time.

Philip B. Toon
USMA, 1944
Cornwall, N.Y.

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It seems to me that Lucian K. Truscott IV and Major Josiah Bunting III express some rather inconsistent and ill-thought-out views. They also seem to have a certain underlying naïveté.

Major Bunting says the Army should respond to responsible criticism. First, I'm sure the Army feels it already listens to and acts on responsible criticism, so this is not really the point that needs to be made. Second, who is to decide if the criticism is responsible? Major Bunting indicts the generals with failure to listen, but condemns their changing "search and destroy" to "reconnaissance," which was certainly in response to criticism. It would also appear that Major Bunting owes his new job to an admiral who *will* listen. Major Bunting seems naïve when he says he is amazed by the undemocratic Army. Many men are amazed at first by the *degree* of military discipline, but surely no one should be amazed that an army is by nature undemocratic. Major Bunting also points out the "eternal hassle about what should be taught" at West Point without seeming to realize that it has not been eternal and is now almost universal throughout education. Major Bunting laments the lack of "wonder" and "poetry" in the plebe's training with no indication that he knows he is touching on the basic question of what a soldier must be. How far can we safely ask a soldier to split his personality between the class in efficient killing and the class in "love and beauty"?

Beyond this, Major Bunting makes much of many military failures of honesty and integrity. But is not he himself a good example of such a failure? Certainly Major Bunting must feel that personal honor at the War College is not "what it starts out to be" at West Point. I fail to see how his actions can do anything but brand his words as hypocrisy.

Richard S. Blake
East Falmouth, Mass.

I object to Truscott's bad language where more acceptable words would convey the meaning adequately. We are passing through a strange part of the war cycle, and there is an observable tendency to employ needless obscenity to establish status.

It is true that we have had a double standard for vocabularly. I planned and supervised CWA and WPA projects during the depression; I "took" four years of ROTC (ending as Cadet Colonel) and worked with the old-line enlisted men who cared for our rifles, machine guns, and cavalry horses. All of these groups used profanity and obscenity as essential to status.

It is time to reverse the cycle. Many of the "popular" authors of the present will be forgotten when American literature texts are written in the year 2000.

William H. Taylor
Vicksburg, Mich.

Tennis for the People

Will you please tell Sophy Burnham that her article "Tennis: A Whole New Ball Game" [*SR*, July 29] reveals one of two things: (a) she is relatively young, or (b) she does not have a particularly long memory.

She gives the impression that this is the first time in history "everybody" is playing tennis. Not so. I went to high school in New Jersey between 1928 and 1932, and it was anything but a "rich" school. In fact there weren't too many rich people around at that time. Yet everybody in high school throughout the area played tennis, and tennis was the basic sport at every little summer resort where ordinary people went.

Then along came golf, which had previously been a sport confined to those who could afford a country club. But the Depression forced many private clubs to turn public, and for the first time they became available to anybody with the green fee.

J. R. Mayer
Huntington, N.Y.

I try to play tennis, and I say "try" because I generally end up waiting in line and then leaving the public courts in Oakland, California. On these courts, at least, the white-suited bankers and junior executives have been replaced by young blacks, Chicanos, and freaks who are finding tennis is really a game of the people where, like the tennis book say, there is no advantage to strength, age, or social position. A typical doubles game on our courts, when you can get one, is between two levi-clad youths and two older executives in their "whites." This situation is the same on the new courts at the local junior college, the lighted courts built by the recreation department, and the old asphalt courts at the local high school.

Jim Mann
Oakland, Calif.

Breasted Roasted and Feted

Mary Breasted's two reports on *Ms.* " 'MS.' Found in a Library" [*SR*, July 29] are permeated with the atmosphere of her own dashed expectations and cynicism. Now will she tell us readers what she *hoped* she would find?

Jeanne M. Pinneo
Palo Alto, Calif.

How refreshing it was to read Mary Breasted's account of the *Ms.* party, an event that sustains my faith in the persistence of Radical Chic. At last someone has pointed out the difference between trying to change the *status quo* and trying to get into the act. My own disillusionment jelled when I read, in the first issue of *Ms.*, a pithy article which discussed, among other things, the merits of separate bedrooms for husbands and wives. Not all working women can afford to be Greta Garbo.

E. S. Shapiro
New York, N.Y.

Ms. Breasted had much to offer regarding cloistered journalism. For us Bible Belt Okies, *Ms.* magazine is the only cohesive, relevant bit of writing available, and how and in what manner they manage to pull it off is of little importance.

Jan Semrod
Oklahoma City, Okla.

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Editorial

Gun Control: A Missed Target

To compromise is to settle for half a loaf—and then pretend that it will be every bit as nourishing as the whole thing would have been. One can also make a case that compromising may sometimes mean accepting a single slice of bread or even a few crumbs.

By that measure, the Senate's recent action on gun control can be excused as a compromise. What it really deserves to be called is a cave-in.

The Senate settled for some crumbs, all right, and for very little else. It voted, 68 to 25, to ban both the manufacture and the sale of snub-nosed handguns. These are the easily concealed, often inexpensive, short-barrel weapons cynically known as "Saturday-night specials" because 1) they are so easy to obtain and 2) they are so frequently used to settle, with utter finality, weekend bar brawls and domestic quarrels. It was, incidentally, a snub-nosed .22-caliber pistol that killed Robert Kennedy four years ago and a short-barreled .38-caliber pistol that three months ago left George Wallace incapacitated.

Perhaps the Senate deserves to congratulate itself for having gone as far as it did. After all, it did vote down an attempt by Nebraska Republican Roman Hruska to permit dealers to go on selling Saturday-night specials until existing stocks are gone and to deal indefinitely in the resale of second-hand models.

But the fact is that the Senate did not go very far at all. For one thing, no fewer than thirty million snub-nosed handguns remain in private hands—one for every other household in the United States. For another, crude but relatively effective short-barreled weapons are rather easy to produce for anyone with a basement shop and some skill with a lathe. Finally, the Senate repealed existing controls on the sale of .22-caliber rimfire ammunition, which can be used not only for rifles but also for Saturday-night specials. Under the 1968 Gun Control Act, which followed the assassinations of Martin Luther King and Robert Kennedy, a record had to be kept of every ammunition sale, specifying the buyer's name and address, among other things. It took the gun lobby, led by the well-financed National Rifle Association, just a year to water down that measure by exempting ammunition for shotguns and most long rifles. The action exempting rimfire cartridges wipes out that section of the 1968 act.

What is perhaps most discouraging about the latest airing of the gun control issue is the ease with which every effort to enact meaningful measures was beaten down. Two proposals, in particular, deserve attention.

One was offered by Michigan Democrat Philip Hart. Maintaining that the United States "must dry up [its] vast reservoir of guns," Hart urged a total ban on the private possession of any handgun. He was decisively defeated, to put it mildly. The vote: 83 to 7.

Sen. Edward Kennedy submitted a more sweeping proposal calling for a system similar to the one now used for automobiles: licensing of all gun owners and registration of all guns. Kennedy noted that, in addition to the thirty million handguns that nestle in bureau drawers—or trouser pockets—around the United States, there are about *100 million* shotguns and rifles in private hands in this country. Some experts reckon that the total number of pistols, revolvers, shotguns, and rifles owned by Americans is closer to 200 million, and that figure doesn't even take into account the occasional machine gun. In the twentieth century alone, this appalling arsenal has killed something like 800,000 Americans—considerably more than have perished in all our wars. "It makes no sense," Kennedy said, "for guns to remain as free-floating in our society as flashlights or ball-point ink pens."

The logic of that argument escaped seventy-eight senators. Only eleven voted for the Kennedy measure: Kennedy, Hart, fellow Democrats Clinton Anderson of New Mexico, Edmund Muskie of Maine, John Pastore of Rhode Island, Abraham Ribicoff of Connecticut, John Tunney of California, and Harrison Williams, Jr., of New Jersey, and Republicans Edward Brooke of Massachusetts, Clifford Case of New Jersey, and Hiram Fong of Hawaii. Included in that roster are a number of senators from states with strong hunting interests, such as Anderson, Muskie, and Tunney. Absent are a number of liberals—most notably, and regrettably, George McGovern of South Dakota.

The case against gun control rests largely on two supports, one constitutional, the other practical. Gun lobbyists regularly cite the Second Amendment in defense of their position. They do not point out, however, that the words "the right of the people to keep and bear Arms shall not be infringed" refer specifically to the need to keep up "a well-regulated Militia." The argument that registration and licensing amount to an unwonted abridgment of our liberties has a certain theoretical validity. So does the argument that traffic lights restrict our freedom. In other words, some rules are necessary in an organized society.

The practical case rests largely on the argument that registration and licensing would inconvenience law-abiding citizens without keeping guns out of the hands of criminals. There is no denying that strict controls would be a nuisance to the Montana rancher and the Michigan skeet shooter. But they would also make things more difficult for the hoodlum, who now merely goes out and buys a gun when he needs one. What about those who keep pistols or rifles around for protection in an age of steadily mounting crime rates? First of all, the odds are that the gun-toting householder is more apt to get shot than the intruder, who is likely to be more practiced at using a weapon. More importantly, a loaded gun is an accident waiting to happen—to a child who happens to discover it, to a newspaper boy mistaken for a burglar, to a husband or wife in the midst of a heated argument.

The point is that in our highly urbanized society stringent controls are not merely a good idea but an absolute necessity. Ours is the only advanced Western nation without such controls; much as we are enchanted with the myth of the frontier, we cannot afford to go on rejecting such controls for the sake of preserving that myth. The gun in America is no longer associated with the pioneer bent on taming a continent, but with the gangster and the political assassin.

It would be an awful bother, true, to have to worry about filling out yet more forms, probably in quadruplicate. But we take out licenses without undue complaint when we want to get married or own a pet. And dogs and marriages, in most cases, don't kill people.

Ronald P. Kriss

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Saturday Review of
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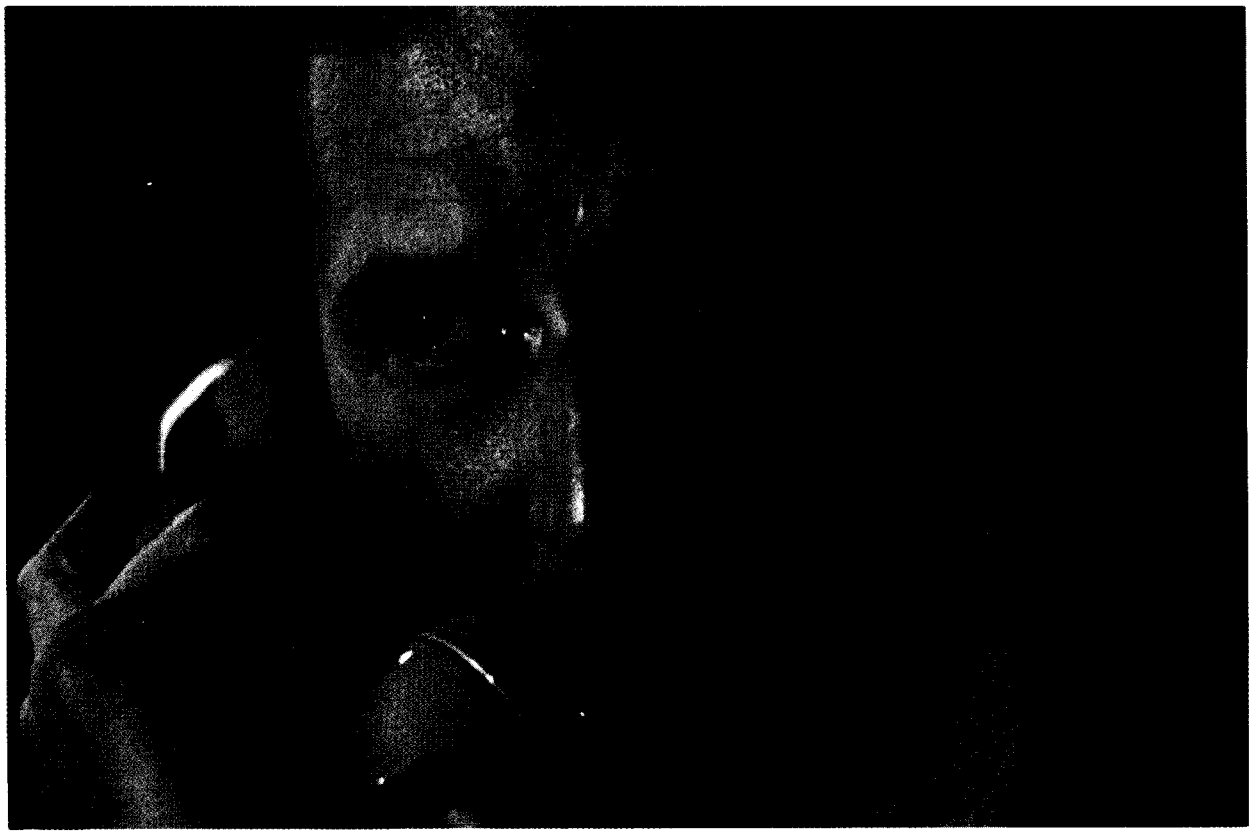
"I Love the Name," Says Jay Rockefeller, "I Love Everything About It."



Unlike his well-known relatives, however, John D. Rockefeller IV is a Democrat. And right now he's going for broke (well, not quite) to be elected governor of West Virginia this fall.

BY ANTHONY WOLFF

West Virginia is not exactly Rockefeller country. It is a stubbornly poor, feckless place, half pitied and half rejected by the outside world, but most of the time merely ignored. There is reason to wonder, then, at the sight of John D. Rockefeller IV addressing a crowd beside a back-country road in Boone County. He is dressed according to his custom—which is to say he is somewhat overdressed for the warm weather, the informal occasion, and his thirty-five years—in a well-tailored gray suit safely removed from the brink of fashion. With his unmistakable Rockefeller features, he seems every inch (all six-and-one-half feet of him) the image of the sober patrician—except for the fact that he is balanced dangerously on one leg, stork-like, on the back of a bunting-draped flat-bed band wagon, displaying the clods of West Virginia earth clinging to his upraised English-made shoe. The mud was picked up a few minutes earlier when Jay alighted from his campaign bus into a roadside puddle. And the purpose of displaying it now is to encourage his listeners to vote out the incumbent governor, who has allowed their roads to fall into such disrepair, and to elect the Democratic challenger, Jay Rockefeller, governor of West Virginia this November.

The governorship might seem success enough for a young man—even a Rockefeller—just six years into a political career, with all his achievements still ahead of him. Indeed, Rockefeller himself does not admit to

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"Strip mining," Jay Rockefeller has often said, "is like a knife slashing through a painting."

any higher ambitions. But already he is mentioned by would-be Democratic king makers as future presidential material. Even as the thirty-year-old nominee for secretary of state in West Virginia, he was offered the national spotlight to nominate Hubert Humphrey at the 1968 Chicago convention. And last month at Miami, there was a move to add his name to the list of vice presidential nominees.

Jay quickly refused both honors and would no doubt be the first to concede that they would have been a bit premature in a political career that only began in 1966, when he was elected to the House of Delegates, West Virginia's lower legislative chamber. Two years later, after an uneventful freshman term, Jay became West Virginia's secretary of state—a largely ceremonial post whose principal duty requires him to affix the state seal to official documents. The job, however, had the fringe benefit of providing an excellent vantage point on the none too genteel intricacies of West Virginia politics, which Jay set about studying so diligently that he soon became known around Charleston as the "governor-in-waiting." In the past three-and-a-half years Jay has become the de facto leader of the state's Democratic party, and, not incidentally, he has had plenty of time to size up the man who sits across the corridor from him in the statehouse.

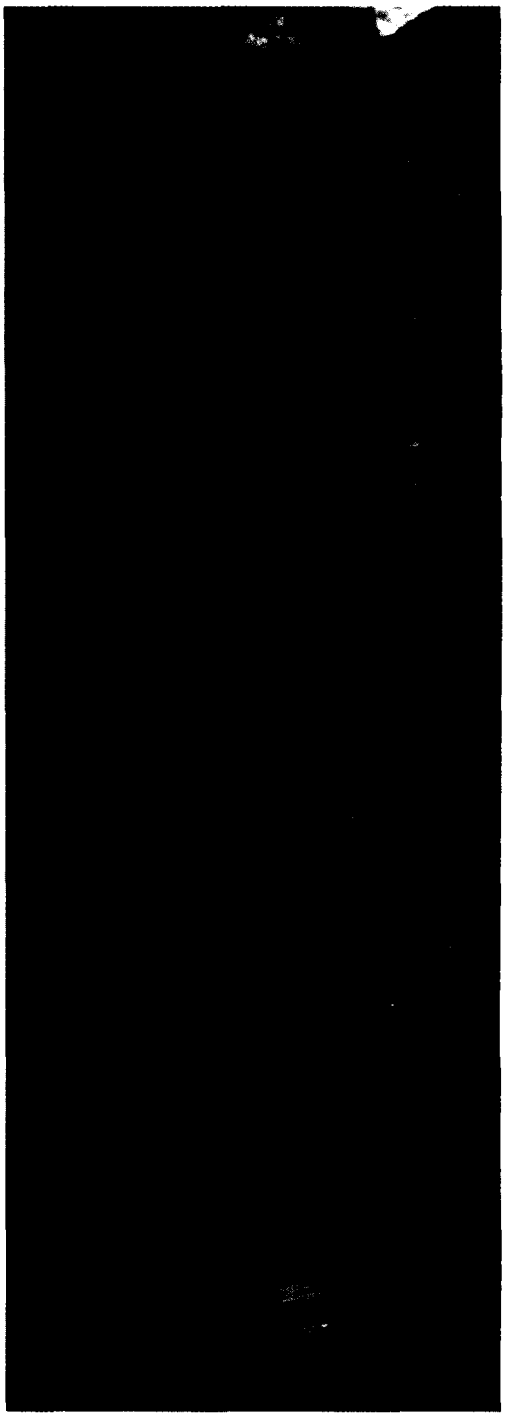
Republican Governor Arch A. Moore, Jr., is considered an old-style West Virginia politician, with a strong public image and a talent for campaign infighting. As a six-term U.S. congressman, he was noted for increasing his margin at the polls each election. In 1968, with the West Virginia Democratic party paralyzed by the indictment of several of its leaders—including former governor Wally Baron—on charges of corruption, Moore was able to overcome the state's two-to-one Democratic registration to become the second Republican governor in Charleston in the last half century.

As governor he has proved a skilled ringmaster of the political circus that often passes for statecraft in West Virginia. His critics claim that he never misses getting his picture taken at ribbon-cutting ceremonies for interstate highway sections that were voted and paid for under previous Democratic administrations. And recently, after the legislature passed a hard-fought bill increasing unemployment benefits, many lawmakers were angered by a letter from Moore to each recipient, taking full credit for the largesse. Then the governor, who has nearly full control over the West Virginia budget, somehow managed to announce a $53 million surplus in an election year—and this in a state where virtually every governmental service is already woefully inadequate.

Ironically, the fact that Moore can run for a second term is due partly to his opponent. Until this upcoming election West Virginia's governors were limited to a single term in office—a precaution designed to prevent a politician from getting his hands too deeply into the public till. The result, however, was that no sooner had a governor been inaugurated than his effectiveness was limited by his lame-duck status. With that in mind, a group of reform Democrats, including Jay Rockefeller, spearheaded the passage of a two-term amendment to the state constitution in 1968. And to obtain the necessary Republican support for the measure, they agreed to make it applicable to the incumbent as well as future governors, thus setting the stage for the present race.

In the early months of the campaign, Governor Moore has limited himself to needling Rockefeller with charges of "political immaturity" and absenteeism. "I've been on TV more times than the secretary of state has been in his office," he has said. And, at least during the recent Democratic primary fight, that claim may have been only a slight exaggeration. For six months Jay spent every available moment touring the state in an effort to revitalize its badly weakened Democratic party under his leadership. Then in May, after exhausting himself and a $411,000 campaign fund (including $331,000 of his own money), Jay won the primary with 72.2 per cent of the vote.

As the gubernatorial campaign heated up over the summer, it soon became apparent that a crucial test of strength between Moore and Rockefeller would come over the complex issue of strip mining. Coal underlies much of West Virginia's landscape and economy. For generations the men who owned the coal have become rich and politically influential, while men who owned little besides the muscles in their backs went underground to dig. In recent years, however, the development of giant earth-moving machinery has made it possible to get at the coal with less trouble and expense by disemboweling the landscape to expose the combustible material buried beneath.



Rockefeller campaigns at a coal mine in Boone County, West Virginia. His stand against strip mining makes him popular with deep miners, although not with the leaders of the UMW.

In West Virginia's steep terrain the coal seams are exposed by blasting away whole mountainsides. The "overburden"—the earth's vital mantle—slides away into the valleys, burying fertile bottomland and choking streams. The landscape is forever marred by serpentine scars notched into the once-forested slopes. The human costs of stripping are equally high. People are driven from their homes or remain to witness the destruction of the surrounding countryside. And the 7,000 strip miners in West Virginia,

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most of whom could apply their skills to related jobs—in the construction industry, for example—displace several times as many deep miners, who are often unsuited for any other work.

Of course, precisely because strip mining requires less labor and capital than deep mining, it is much more profitable. Indeed, some strip-mine operators in West Virginia realize pretax profits of well over 100 per cent on invested capital. Understandably, then, the state's coal production comes increasingly from stripping; several hundred square miles have already been destroyed by the technique, and the remaining strippable reserves are going fast. But the demand for coal is so great at present, the antistripping faction claims, that legislation banning the practice would pose no serious threat to the state's leading industry. And in the event of such a ban, Rockefeller has made a campaign pledge to establish a special governmental bureau with the purpose of helping strip miners find new jobs.

Jay's initial aversion to strip mining was largely emotional, the response of a city boy enthralled by the land. Strip mining, he has said, is "like a knife slashing through a painting." By the end of 1970, when research convinced him that stripping was an economic and social disaster for the state—and that effective reclamation of strip-mined land was impossible on its steep mountains—he came out in favor of banning stripping "completely and forever" in West Virginia. And in case the legislature failed to act, Rockefeller promised that he would do away with the practice by administrative action in the event he became governor. He may have that chance, for early last year the legislature produced a bill that placed some restrictions on strip mining but fell far short of abolishing it altogether.

For his part, Governor Moore has tried to avoid the issue entirely. While the legislature struggled toward enactment of antistripping legislation, Moore insisted that the whole thing was really a nonissue raised by publicity seekers—presumably Rockefeller. And when pressed by reporters to take

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During his term as secretary of state, Jay became known in Charleston political circles as the "governor-in-waiting."

a position himself, he has generally bucked the question down to department heads.

The May Democratic primary turned into a referendum on stripping—and in other ways than Jay's expected victory. Representative Ken Hechler, running on an "abolitionist" platform in a gerrymandered district, beat an entrenched incumbent to win re-election to Congress, where he is the sponsor of a bill banning coal stripping nationwide. And state senator Tracy Hilton, West Virginia's biggest independent strip-mine operator, lost to a little-known, underfinanced young abolitionist named Warren McGraw. Such indications of an antistripping mandate forced Moore to take a more responsive position on the matter—and soon after the election the governor announced that he had always been a "strong reclamationist."

Last February Moore lost standing on another mining issue—safety regulation of deep mines—when an improperly constructed waste-water holding pond belonging to Pittston Co. burst its dam, flooding Buffalo Creek Valley in Logan County, killing 125 people and eradicating several towns. The governor quickly announced that the disaster was "a natural occurrence," supporting the company's claim that it was not liable for such an "act of God." (The Army's Corps of Engineers later reported that it would have been an act of God if the dam had held.)

Rockefeller's criticism of Moore came a month later, after the initial shock of the tragedy had passed. In an address to a local Charleston organization he charged that Buffalo Creek was a "grim reminder of a conspiracy to escape regulation." Taking aim at both Pittston and the governor, he insisted: "These are not 'acts of God'; they are happenings that come from corporate and public negligence. We must reject —we cannot accept—this murderous fatalism about the inevitability of disaster." Some observers claim that the Buffalo Creek episode enabled Rockefeller to include the coal-mining southern tier of West Virginia in his primary sweep of all fifty-five of the state's counties.

Just last month Moore again left himself vulnerable to attack on the issue of deep mine regulation. After an explosion at the Consolidation Coal Company's Blacksville No. 1 Mine in Monongolia County killed nine men, he admitted that state and federal inspectors had cited the mine for almost a thousand safety violations since it had opened in 1968. Rockefeller immediately shot back that citations without enforcement invited such disasters. He promised that his administration would enforce the existing penalties more strictly—perhaps even raising the often minimal fines—and charged that the number of mine inspections had fallen precipitously during Moore's term of office despite the fact that additional funds had been appropriated for that purpose.

By now it is almost universally accepted in the state that Moore is the candidate of the coal interests, an alliance that includes not only the giant coal companies, the smaller independents, and the railroads, but also the old-line leadership of the United Mine Workers, which has often been criticized for being too cozy with the industry. The UMW is said to be responsible for distributing campaign literature urging miners to "Remember Ludlow," the site of the 1914 massacre of striking Colorado coal miners by agents of a Rockefeller-owned mining company.

Nor have Jay's opponents taken a purely historical approach in their attempt to blunt his antistripping attack. They have tried to establish that he himself is directly implicated in coal stripping through his family's ubiquitous financial interests. In response to one such accusation involving purported strip mining in Indiana by Standard Oil of Ohio, Rockefeller announced: "I don't own stock in any Standard Oil company which is strip mining coal anywhere, including Indiana." Jay is considering meeting his critics halfway—quite a concession for the normally secretive Rockefellers—by releasing a list of the companies in which he owns shares, without revealing the amount of his interest. (With or without such partial disclosure, however, the question of apparent conflict of interest is bound to arise again for Jay Rockefeller, as he confronts issues in which his personal and public values intersect. One clear test will come, for instance, when Rockefeller is called on to take a position on the kind of tax reform—including almost confiscatory inheritance taxes—put forward by George McGovern, whom Jay supports.)

Rockefeller has also encountered less subtle opposition from the mining interests. From the kick-off of his primary campaign in the mining community of Bluefield, where he promised a better deal for deep miners and protection for the mountains, his rallies have often been picketed. And until a few months ago, a company known succinctly as Explosives, Inc., sponsored a billboard on Route 50 between Clarksburg and Morgantown that attacked Jay with such catchy texts as: "Don't vote for a transplant—you'll live to reject it."

As that reference to his out-of-state origins indicates, the charge of "carpetbagging" still plagues Rockefeller after six years of political involvement and eight years of residence in West Virginia. Many people continue to suspect that Jay's sojourn in Charleston is nothing more than a detour to pick up political strength en route from the family estate in New York to the White House. Much of the lingering suspicion some West Virginians have about him is no doubt a reflection of their own self-doubt. They are all-too-painfully conscious of their state's desperate predicament but resent being exposed to the rest of the world as a case study in failure. Years later there are still people in West Virginia who haven't forgiven Jay for a picture that appeared in a women's magazine showing him sitting in a rocking chair on the porch of a decrepit shack wearing a custom-tailored suit. West Virginians tend to be mistrustful, even defensively hostile, toward outsiders—especially those who come to do them good but usually end up making them look bad and feel even worse. Why, they insist, if not for some species of personal gain, would anyone—least of all a young Rockefeller with unlimited options—want to come here?

In Jay's case, of course, the answer is of interest not merely as another curious addition to the growing body of Rockefeller family folklore, but as an indication of what kind of politician he will turn out to be—in West Virginia and perhaps beyond. Jay himself rejects the obvious suggestion that he became a Democratic politician in West Virginia to avoid the debilitating certainties of being a Republican Rockefeller in New York. Other members of the family in his generation, he admits, have had some hang-ups about being Rockefellers, with varying symptoms. Rockefeller women seem to have the most difficult time of it. One of Jay's sisters used to quit the family limousine to walk the last five blocks to school, and another has reportedly

Jay and his wife, Sharon (the daughter of Sen. Charles Percy), greet a group of West Virginia school children from the back of their campaign band wagon.

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discarded the family name entirely.

Jay Rockefeller sympathizes with them, but personally he has no use for such simplistic evasions. "The name has never been anything but a great big plus for me," he enthuses. "I love it. I love everything about it." Even in West Virginia he takes few pains to pretend that he is not rich. (His most obvious gesture of protective camouflage early in his political career in Charleston was to affect a Buick, only recently replaced by a Lincoln.) When he first came to West Virginia in 1964 to begin a two-year stint as a poverty worker in the run-down rural community of Emmons, one of his initial attempts to break the ice with the townspeople was to give them a slide-show tour of his accustomed life-style: his Jaguar XKE, his family's Pocantico Hills estate, his own Washington townhouse—the works.

At a later screening, this time in his own suburban Charleston home, a group of political associates and friends were watching a kinescope of a TV documentary on the 1967 wedding of Jay and Sharon, his pretty twenty-seven-year-old wife and the daughter of Sen. Charles Percy of Illinois. The film traced Jay's lineage back to the first John D., while the narrator made a respectful reference to the huge fortune he had acquired. From his great-grandson's direction in the darkened room came the heartfelt response: "Bless him!"

Still, if Jay did not intend to loosen his family connection by coming to West Virginia, he has at least taken himself out of the family's established orbit, with its loci at Pocantico Hills and Beekman Place, its social obligations, cultural preoccupations, and financial interests. Although Jay still makes occasional quick trips to New York for meetings at the Rockefeller Foundation, or his generation's separate Rockefeller Family Fund, he has, like his favorite Uncle Winthrop in Arkansas, achieved a certain remoteness from Room 5600, the family offices that occupy an entire floor of the RCA Building in Rockefeller Center.

Even Jay's choice of a political career, though hardly unique in other branches of the family, is in marked contrast to his father's long tradition of public silence. And if government was to be Jay's life, it is difficult to imagine the diffident John D. III—the philanthropist behind such high-toned ventures as New York's Lincoln Center—being very enthusiastic about his son's choice of the rough-and-tumble carnival of West Virginia politics.

Much has been made of Rockefeller's defection from the Republican party, to which his family has regularly contributed both talent and money. While it is doubtful that the family was overjoyed by his choice of political company, Jay has been careful not to make his apostasy unnecessarily embarrassing to his Republican relatives—especially Uncle Nelson. Before the 1968 presidential campaign, however, when a mischievous journalist asked him what he would do in the event his uncle and his father-in-law became the GOP standard-bearers, Jay straightway replied that he would jump off Charleston's South Bridge into the Kanawah River. The quip was reported in the Rockefeller family newsletter, and Jay got a reproving phone call from his mother. For a while afterward, in response to questions on that subject, he was heard to mutter something to the effect that blood is thicker than politics.

But whatever embarrassment the political division in the family may cause him is probably unavoidable. Coming of age in the Kennedy era, drawn to work for the Peace Corps and then the poverty program in West Virginia, Jay Rockefeller was simply never a Republican at heart. According to his own estimate almost half the members of Jay's generation of Rockefellers share his Democratic persuasion, so that the political split in the family seems to be a generation gap.

Clearly, for Jay Rockefeller, West Virginia was always much more than a place where he could establish his independence from an illustrious family—if only because he had done that long before. After attending Exeter and three years of Harvard, Rockefeller found himself gratuitously elected president of his college social club in 1958 and, as he puts it, "one year away from being doomed to being home free"—from full membership in the privileged club of Rockefeller men. Instead, Jay left Harvard to take a teaching job in Japan. He soon demoted himself even further by enrolling as a student at the International Christian University of Tokyo, taking a small room in a boarding-house, and cutting his income to $25 a month for room and board. He began to study, he recalls, "like a Jewish kid at law school."

Jay strongly resists the obvious inference that his three years of relatively Spartan self-discipline in Japan was an act of self-effacement. More than a decade later, he still remembers that period in his life as "an enormous personal experience for me. I had a great sense of discovery, and a feeling that I was really plugging into the world in a way that I hadn't before."

Jay's coming of age in Japan was marked by a family rite: He passed from being simply John Rockefeller to being John Davison Rockefeller IV, laying claim to the middle name and Roman numeral that, according to family custom, had been waiting until he felt ready to assume them. "At that time," he remembers, "taking the full name became terribly important to me. Until then, I don't think I had ever asked myself whether I could live up to the name . . . its insistence on responsibility and commitment and service."

After three years away from the United States, Rockefeller returned to Harvard to get his degree, then served one-year stints as a Far East specialist at the Peace Corps and the State Department. Finally Jay realized that if he was going to connect with his generation he had better start finding out about America as well as Asia. At the urging of his best friend from the Peace Corps—Charles Peters, a native of Charleston who is now the editor of *Washington Monthly*—Jay landed a job as a poverty worker in West Virginia. He was assigned to the disintegrating coal town of Emmons, a collection of poor families alienated from each other and the outside world.

Rockefeller's job was to encourage the people of Emmons to join together in something the theorists in Washington blithely called "community action." "First of all," Jay recalls, "to get them to trust me—that was the first eight months right there. Then, to get them to have trust in their power to make decisions as a community—that was the next year. From confidence in community decisions to confidence that an individual can make a decision about what he needs to do—that would have been a thirty-year process."

Instead of attempting it directly, Jay broadened his focus from the microcosm of Emmons to the entire state. Skeptics who see him as an opportunist exploiting West Virginia's misery insist that his two years in Emmons were a calculated gambit. According to Jay, however, his political ambitions arose as he became convinced that "Emmons is West Virginia, it's the same damned thing"—and that in West Virginia the power to change things is a government monopoly.

It is a power that may soon be his to exercise. In a public opinion poll taken by the Charleston *Gazette* last June, Rockefeller received 57 per cent of the sampling to Governor Moore's 43 per cent. But win or lose in November, Jay Rockefeller says he is in West Virginia to stay and discourages speculation about his wider ambitions on the national political scene.

During his campaign for secretary of state four years ago, Rockefeller was asked what he could do for West Virginia. "If the people trust me," he said, "then I can do one thing: I can lead." Now, with the governor's office seemingly about to be his, Jay Rockefeller will soon find out if the people trust him, and West Virginians are going to learn whether he can lead. □

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The American Obsession with FUN

The way we stress the importance of being "alive," says the author, betrays "a diminution in the sense of the self." Too often we discover our identity in the products we buy.

BY ANN NIETZKE

In John Barth's *The End of the Road,* Jacob Horner describes a dream he once had in which, after several futile attempts to find out the weather forecast, he learns from the chief meteorologist that there simply will not be any weather the next day. He tells us about the dream in order to explain a particular state of mind that he often experiences, a state he has come to call "weatherless." Though analogies between moods and weather are commonplace, Horner questions their appropriateness in his case because a day without weather is almost impossible to imagine, and yet he frequently has days without any mood at all. At such times Horner is without a personality, is nonexistent in his own mind, except in the purely physical sense. He compares himself to those microscopic specimens that must be dyed before they can be seen: Horner needs to be colored by some mood or other in order to recognize himself. On his weatherless days he sits blankly in his rocking chair, rocking sometimes for hours until some external event colors him back into being.

Throughout the book Horner suffers from varying degrees of weatherlessness, the most extreme being a trance-like state of complete immobility. His standard device for warding off emptiness of mind is to repeat over and over an advertising jingle from the 1950s: "Pepsi-Cola hits the spot./Twelve full ounces—that's a lot." This jingle serves as the test pattern of his consciousness: As long as he can say it, he knows he still exists. Once, when the jingle failed him, he sat frozen on a bench in Penn Station all night long. By the end of the book the jingle has lost its effectiveness because Horner cannot even remember to say it at the right times. In the final scene he sits in his rocking chair, totally weatherless. When he gets in a cab and says, "Terminal," we know he will take the bus to the nameless "Doctor," recognizing himself to be a spiritual terminal case.

Ann Nietzke, who lives in Normal, Illinois, is a housewife and freelance writer with a special interest in psychology.

I have a friend, a teacher at a junior college in a large midwestern city, who sometimes suffers similar periods of weatherlessness. Her attacks are less severe and less pervasive than Jacob Horner's; I think they are, in part, just a defense against being overwhelmed by modern urban living. When things become a bit too much, she simply tunes out temporarily while her strength, the strength necessary for living a feeling life, gets replenished. Nevertheless, finding yourself in the company of someone who is in no mood at all, whatever the reasons behind it, is an unsettling experience. You just plain don't know how to act, since nothing you say or do seems to matter. There is nothing to interact with, no mood, emotion, or viewpoint to oppose or complement. You can't cheer your friend up, because she's not sad; you can't convince her of anything, because she's all too agreeable; and you can't make her feel better, because she doesn't feel bad. A few years ago, when I was visiting my friend during one of her weatherless bouts, I became exasperated and then saddened by my own helplessness in the situation. But as the weekend wore on, my sadness, interestingly enough, dissolved itself into moodlessness, too, so that finally the two of us sat there staring vacantly into space and feeling quite at home with each other. The only thing to do on such a weatherless Saturday night, of course, was to look at television.

At that time Pepsi had just begun a new series of commercials, which must have proved very successful since it is still being used almost three years later. The main theme, familiar to everyone by now, is in the refrain: "You've got a lot to live,/And Pepsi's got a lot to give." That night, after hearing those words, my friend turned to me with the first spark of life I had seen in her eyes all weekend. "Don't you just *love* that?" she said. And I had to admit that I did. The tune and the words together conveyed a spirit of vivacity and affirmation that was somehow irresistibly appealing. The rest of the evening and all the next day we couldn't get the song out of our minds. We sang it aloud, together or solo, and, like Jacob Horner, we found ourselves intoning it under our breath, tapping a foot or waving a hand breezily through the air to mark the time. The thing had gotten through to us and in some mysterious way filled the emotional vacuum we were in.

Well, the coincidental relationship among my friends and me and Jacob Horner and weatherlessness and Pepsi-Cola ads all came together in an intriguing way when I recently reread Barth's *The End of the Road.* I began to listen carefully to Pepsi ads and then to Coke ads, and, as is usually the case when advertising is analyzed, I learned much less about the products than about the public for which the ads are designed. As almost any American can tell you, "Pepsi helps you come alive" and "Coke is the real thing." These slogans seem simple enough, but a close look at what they imply leads us into some sociopsychological considerations that are not simple.

When I was trying to help my friend that weekend, I didn't yet understand that moodlessness is a kind of death, that "aliveness" of some sort might be just the thing required to dispel it. Of course, even if I had realized this, I don't know specifically what I might have done for her, but I think it helps explain our response to the Pepsi commercial. In its various ads on radio and TV, Pepsi uses two main stanzas, al-

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ways followed by the refrain, "You've got a lot to live,/And Pepsi's got a lot to give."

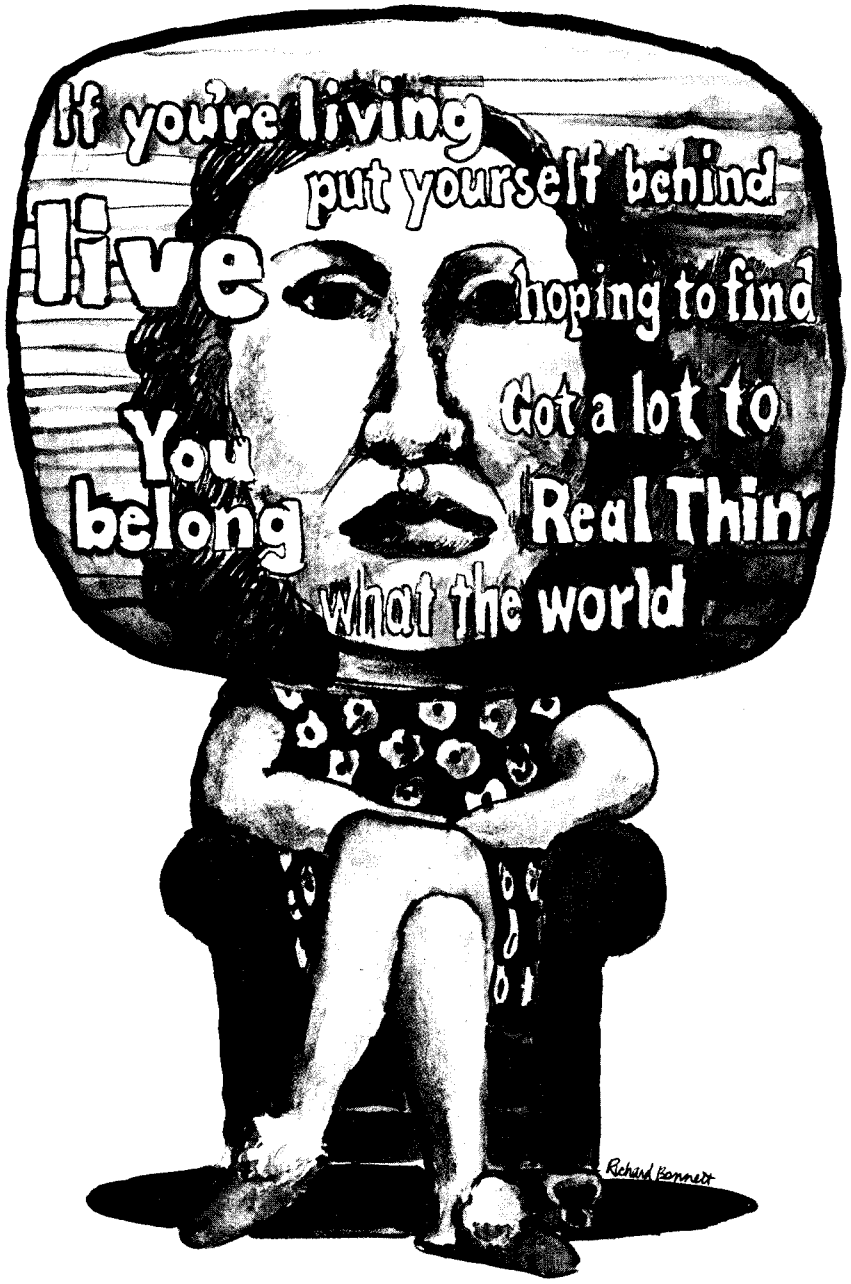
It's the Pepsi generation
Comin' at ya, goin' strong.
Put yourself behind a Pepsi—
If you're livin', you belong.

There's a whole new way of livin'—
Pepsi helps supply the drive.
It's got a lot to give for those who like to live,
'Cause it helps 'em come alive.

On television the music accompanies scenes of people having good times. Not all the people look young, but we're made to realize that they all are "young in heart," that they are "living" and so are members of the Pepsi generation. On radio rock-'n'-roll stations various well-known recording stars sing the lyrics. I was particularly struck by the idea of deadness that underlies "coming alive" when I heard Johnny Cash sing about it in his most spiritless style.

The relationship depicted in the ads between being "alive" and having fun is psychologically a sound one, and it is in the sexual experience, of course, that the two are most closely related. Alexander Lowen, a medical doctor who has written a book on the subject of pleasure, believes that "the foundation for a joyful life is the pleasure we feel in our bodies, and that, without this bodily pleasure of aliveness, living becomes the grim necessity of survival." Every imaginable kind of product is advertised as holding the key to fun, good times, and sexual fulfillment. But, as Dr. Lowen points out, the American obsession with fun probably betrays a lack of true pleasure in our lives. Similarly, one reason the advertising business relies so heavily on sexual appeals is, not that America has become sexually liberated, but rather that many people are so out of touch with their own bodies that they derive little pleaure from them and will therefore seek the missing pleasure through the use of products which, in one way or another, promise to replace it.

Lowen suggests that the common element in all neurotic-behavior patterns is a diminution in the sense of self, which includes "a loss of the feeling of identity, a reduced awareness of one's individuality, a decrease in self-expression, and a diminshed capacity for pleasure." Certainly Jake Horner and my friend exhibited all of these symptoms in their states of weatherlessness, though they were chronic for him and temporary for her. What is frightening to contemplate is that anyone who spends as much time watching television as the average American does must, almost by definition, exhibit these symptoms to some degree.



"The price we pay for avoiding the pain of being fully alive is that we are excluded from the pleasure as well."

For, if he were fully aware of himself as an individual, he would not constantly want to be treated as part of an audience. If he felt the need for self-expression, he would want to put himself in a situation that would give him a chance to fulfill it. And if he had a real capacity for pleasure, he would engage in pleasurable activities himself, not watch others so engaged on television. This is not to say, of course, that TV causes neuroses, but only that the neurotic as described by Lowen would naturally be drawn to watching it. And advertisers, to be sure, take full advantage of this fact.

My friend and I knew instinctively to turn on the television that weatherless Saturday night, although neither of us is an avid viewer. I would venture to guess that the difference between us and many full-time TV addicts is that we were quite conscious of our moodlessness because, for us, it is a sometime thing. Those who lack the strength to live lives of feeling, and in whom the sense of self is always ill-defined, are no doubt much less conscious of that state, although they may vaguely sense that something is missing from their lives. The price they pay for avoiding the pain of being fully alive is that they are excluded from the pleasure of it as well. They are, therefore, always

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tempted by any promise of pleasure, hoping that perhaps this time it will not elude them.

I understood the most sinister aspect of the phenomenon Vance Packard termed "hidden persuasion" when I began to consider what it might mean to be weatherless most of the time and not even realize it. There is nothing obviously "hidden" about what the Pepsi ad is saying; in fact, upon close examination it is hard to believe how straightforward the words are. But the psychological success of the commercial depends upon a lack of self-awareness in the viewer. For while it gives the impression of appealing to the "living" and those with a "zest for life," the ad is actually aimed at the "dead" who experience so little pleasure that they need something to help them "come alive." Thus, on the conscious level the ad provides support for the viewer's illusion that he is "alive" and capable of enjoying things and himself, while at the same time, on a deeper level, it is touching that vague sense of deadness that so many people experience. Even if the "dead" viewer were to take part in all the fun-filled activities shown in the ads, he still would not be capable of having any real fun. That is too terrible a thing for him to face consciously; it is easier to accept the notion, however irrational, that Pepsi might make a difference ("Put yourself behind a Pepsi—/If you're livin', you belong"). The point is that the persuasion depends, not on something hidden in the commercial, but on something the viewer has hidden from himself.

The neurotic, with his diminished sense of self-identity, has no way of really knowing when he is fooling himself. Because he feels that at the center of his being there is only emptiness rather than an integrated personality, he lives with a permanent sense of unreality. It is this realization that brings many neurotics to the analyst's couch, and, of course, the realization itself is a step in the right direction. For most, however, the realization probably never crystallizes; they go on existing with their weatherlessness and a vague awareness that their lives are unfulfilled.

At its deepest level the Coca-Cola pitch for "the real thing" appeals to this neurotic sense of unreality:

It's the real thing, Coke is.
That's the way it should be.
What the world wants to see
Is the real thing.

It's the real thing, Coke is.
In the back of your mind
What you're hoping to find
Is the real thing.

On one level of interpretation, Coke is held up as something genuine in a world of automation and imitation. (Interestingly enough, Coke became "the real thing" only after 7-Up billed itself as the "Uncola"—apparently in an attempt to imply that 7-Up is not a genuine soft drink.) It becomes associated in our minds with a nostalgia for the superior products of the past —"real" bread, "real" ice cream, "real" cars, "real" wood, etc. And, of course, people who are living imitation lives will be doubly attracted by the idea of "authentic" products.

The other meaning of "the real thing" is *love*, and this association is conveyed partly through the pleasant, soft-rock style of the song in the commercials. In the back of our minds we are all looking for the real thing—genuine affection—and would be ready and willing to buy any products that might help us find it.

A more complex and subtle use of the concept of love lies behind the familiar Coca-Cola commercial in which young people from all over the world are brought together on a hilltop in Italy, where they sing (in perfect harmony):

I'd like to teach the world to sing
In perfect harmony.
I'd like to buy the world a Coke
And keep it company.

I find the appeal of this ad, the music combined with the idea of buying the world a Coke, almost irresistible, a fact that disturbs me when I consider its implications. For one thing, the ad embodies the all too American theory and practice of *buying* good will, friendship, or even love. This notion is so pervasive at every level of our society that it is pretty much taken for granted—and for some reason has always been neatly associated with Coca-Cola. I remember that when I was in junior high school, if a guy bought me a Coke it was the first sign he was "interested" in me; later, if the relationship turned out to be "the real thing," he might ask you to go steady with him. The ad illustrates perfectly, if unintentionally, how this economic aspect of courtship is projected onto the global plane in American foreign relations. We are always happy to buy the world a Coke if we believe that this will keep it in our "company" rather than the Soviet Union's or China's. (I am incidentally reminded of that outrageous scene in *Dr. Strangelove* in which Peter Sellers is begging Keenan Wynn to shoot open the coin box of a Coke machine so he can get a dime to call the President and explain why the world may be about to end. Keenan Wynn reluctantly complies with the request, saying, "Okay, but you're gonna have to answer to the Coca-Cola Company for this.")

Of course, this kind of sociological analysis is somewhat remote from the ad's ability to touch people emotionally. On a more personal level, I think it appeals to that sense of community that many of us long for but so rarely experience in contemporary urban life —in fact, may have lost the knack to experience. The irony about an idea like buying the world a Coke and keeping it company, though, is that it is so abstract it can be employed only in the mind, which means everyone has to experience it alone.

Still, the ad always puts me in a mood of buoyancy and good will, although then I don't quite know what to *do* with these feelings. The words and music inevitably make me smile and think any day now I will begin to show the world all the love I have in my heart, but, needless to say, I never do. Unfortunately, the "world" is made up of individual people, any one of whom is much more difficult to love than is mankind in general. I can sit alone and respond to that ad with a sense of joy; but later that same day, if I see an acquaintance who doesn't see me in the supermarket, I may still duck down some aisle and linger behind the shelves until he or she is out of sight. It is not that I dislike the person but that I wish to avoid the degree of involvement required for even the most casual conversation. What makes the jingle in the Coke ad so appealing is that it allows you to participate momentarily in a kind of love that is not dangerous or painful to you, a kind that makes no demands. Actually, loving another individual (the *real* "real thing") always involves the terrible risk of being hurt, which simply does not enter into the notion of buying the world a Coke and keeping it company.

The other day I noticed in a magazine advertisement that the Pepsi-Cola Company has come up with a new slogan: "Pepsi people—the smilin' majority." My first reaction was to connect the slogan with those signs and buttons and bumper stickers cropping up all over that remind people to smile, as if it were something to be done on cue. That in itself is a little scary. Then I remembered a couple of people I've known who smiled almost constantly, even when they didn't mean to or perhaps even when a smile was most inappropriate. The thought of them led me to recall a theory about the development of the human smile that some cultural anthropologists have expounded—that a smile actually represents a passive defense against the threat of aggression, a symbolic baring of the teeth to demonstrate that they will not be used in hostility. Like the smile, a lot more than meets the eyes lies behind those seemingly innocent soft-drink ads. □

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THE ACTION LAWYERS

In the long history of public education in the United States one seemingly inevitable fact of life has been that rich communities get much better schools than poor communities do, even though all public schools fall under statewide education systems. Inequalities in public education have existed largely because school budgets are supported by local taxes, usually property taxes, and the budgets are therefore likely to reflect the affluence or poverty of any school's particular locality.

The days of wide disparities in public education, however, appear to be numbered in the face of a judicial siege that not only may profoundly effect education in America but may also lead to equalizing other public services, such as road building and garbage collecting, within individual states. A suit challenging unequal school financing, *Rodriguez* v. *San Antonio,* is now before the U.S. Supreme Court (briefs are to be submitted by the end of this month). At last count some forty-one other similarly aimed suits are pending in lower federal courts and state courts. And half a dozen cases have already been decided in favor of the equalizers, including a ruling by the Supreme Court of California, perhaps the most influential state court in the nation, that has overthrown that state's system for financing public schools based on property taxes.

Implications of the attack on inequality in public education have been widely analyzed and discussed, especially since the California decision was handed down a year ago this month. That decision, *Serrano* v. *Priest,* is already being compared with the landmark school desegregation decision of the U.S. Supreme Court, *Brown* v. *Board of Education.* Yet the nationwide courtroom attack on inequality in education is perhaps ultimately as significant, if less dissected, for what it says about an expanding American institution for achieving reform as it is for the reform itself.

Court decisions, even those that embody vast constitutional principles and dictate wide structural changes, often appear to emerge full-blown from the pens of judges through some arcane and autonomous process. Yet, in fact, the process of social reform through the courts has grown increasingly regularized and institutionalized in recent years and increasingly responsive to the factors that move government in other areas—man-hours and money and no little zeal.

Thus, far from being chance eruptions from the judicial system, *Serrano, Rodriguez,* and other ongoing school-equalization cases represent years of deliberate research and planning through a sophisticated, if informal, network of national communication. They represent, in effect, a case study in the refining arts of legal activism of the sort that was pioneered in the civil rights movement and is now a major weapon of consumerists and environmentalists and poverty warriors—that indeed has become one of the major avenues for social reform in the United States. Some reformers who view legislative and executive branches as being impotent or corrupt look toward the courts as the only route to reform.

Just how have the school-equalization cases come about, and how have they been directed? I have tried to trace their courses, looking particularly at *Serrano,* the major victory for the legal activists on this battleground so far.

One of the earliest recognitions, perhaps *the* earliest formal recognition of unequal school budgets as a problem that might be subject to judicial reform came a decade ago. John Coons, a struggling young professor of law at Northwestern, was hired to do a study of discrimination in city spending between various Chicago school districts. After tunneling into the finances of Chicago schools for a year Coons filed in his report a brief reference to the irony of working so laboriously to pin down a $50 discrepancy in the city schools when the gap between Chicago and the suburbs was immense. The following year, in a report for the U.S. Civil Rights Commission, Coons again noted wide disparities in the financing of public education and observed that "the rationale protecting such differentials in the provision of a government service is by no means clear." A legal challenge to the rationale, he suggested, might someday be in order.

Coons maintained a continuing interest in unequal school financing, and in

Gerald C. Lubenow is head of *Newsweek* magazine's bureau in San Francisco.

They don't just try cases or teach law; they plot social change. Serrano v. Priest, a legal case that may well be as important as the 1954 school desegregation case, is part of a campaign in point.

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1966 two of his senior law students at Northwestern, Steve Sugarman and Bill Clune, joined him in a research project looking into educational spending and a possible judicial challenge to such spending.

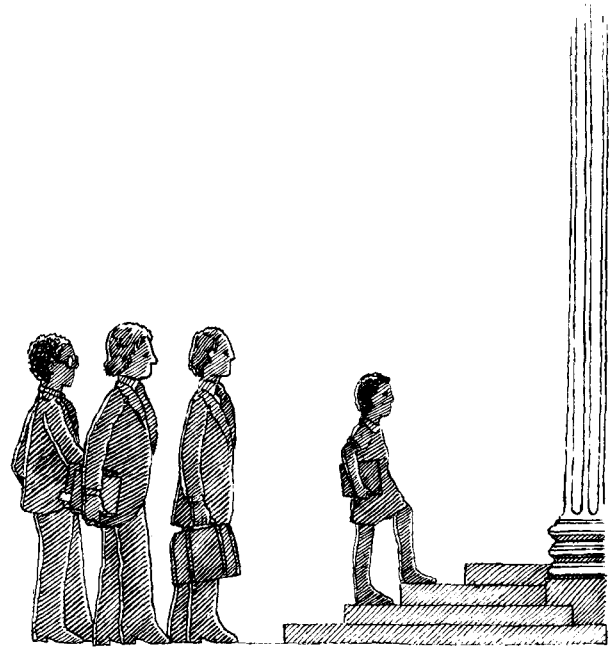
Coons and his colleagues, members of the new breed of legal activists, had a decidedly activist goal in mind from the outset. "From the very beginning," Coons recalls, "we felt we wanted to have some impact on what was seen as an indefensible system." In their ponderings on the problem the three considered legislative remedies, but not for very long. More money for the poorer school districts would have to come out of the pockets of the middle-income and rich districts, and these, they concluded, probably constituted an inhospitable majority of taxpayers and voters. "The absence of political remedies seemed implicit," says Coons, reflecting the perhaps prevailing faith of legal activists—that the courts are a more fruitful avenue for reform than are the legislatures.

Over long lunches and through endless evenings Coons, Sugarman, and Clune studied and discussed various possible courtroom remedies of classroom inequities. "All I remember," Coons says with a smile, "is the three of us pacing around patios and living rooms listening to the endless disquisitions of wild schemes accompanied by endless disposition of beer." Late one evening Coons's wife smelled smoke and rushed downstairs to find Clune standing over the kitchen stove engrossed in a manuscript while the handle of the coffeepot went up in flames.

The most important product of these discussions was the refinement of a basic legal principle upon which, the three agreed, the courts would be most inclined to overturn laws governing school financing. The inequity of spending considerably more on educating a child in one district than in another seemed clear and undeniable enough. But how to translate this inequity into a persuasive legal argument? Coons and Sugarman spent the academic year 1967/68 at Berkeley, where Coons is now a law professor, and it was there that the legal principle was finally crystallized. "We needed an idea that was simple, enforceable, and would not interfere too much with legislative process," Coons explains. "We felt the court would not tell the legislatures what to do. So the best we could hope was that the court would say, 'Don't do it this way,' a negative principle. So we refined one. All it says is the quality of public education may not be a function of wealth. That's all it says."

By the spring of 1968 much of the thinking of the three legal scholars was hammered into a long *California Law Review* article and rough draft of a book, *Private Wealth and Public Education*. In the wordsome world of the law these were activist strides in themselves. The law review article was eventually cited a half dozen times in the final decision on *Serrano*. The book has been cited in a number of other school-equalization cases.

Meantime, as Coons and cohorts were examining unequal school budgets and seeking a legal principle by which to bring the inequalities to court, a UCLA law professor named Harold Horowitz was moving very much in the same direction, but from a different starting point. Horowitz, a slender, dignified legal scholar with dark, deep-set eyes and gray-black, steel-wool hair, teaches a course required of all UCLA law students, Law, the Lawyer, and Social Reform. He is one of the nation's foremost experts on the Fourteenth Amendment's equal protection clause, which provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws," and which has been the basis for much of the nation's judicial impetus to social reform. In the summer of 1966 Horowitz published in the *UCLA Law Review* a scholarly, groping article on the Fourteenth Amendment and its possible application to unequal educational resources. In the fall of 1967 he attended a Washington, D.C., conference on education that dealt with the legal issues involved in desegregation across school district lines. Conferences of this sort are a significant part of the activist legal process, bringing together experts from various fields and locations to mull over a particular legal problem. Following the conference, and incorporating some of its thinking, Horowitz wrote another *UCLA Law Review* article laying out a solid case for application of the equal protection clause within a state and addressing himself in particular to "inequalities in educational opportunity



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among school districts." The Horowitz article concluded: "Territorial variations within a state in public education . . . create especially significant inequities that, it seems clear, must now come under careful judicial scrutiny. . . ."

In the course of his research Horowitz found out about Coons's work in the same area, and he called Coons, establishing one major direct link in the emerging network. Coons sent Horowitz a first draft of his book. Meanwhile, another young, brilliant, and energetic attorney named Sid Wolinsky was reading Horowitz and beginning to interest himself in the issue of unequal schools. A graduate of Yale Law School who had gone west to work in a rich, prestigious Beverly Hills law firm, Wolinsky had found himself increasingly disaffected with his private practice and, under the aegis of the Western Center for Law and Poverty, a newly formed program set up by the Office of Economic Opportunity's legal services program on the University of Southern California's campus, Wolinsky had begun teaching a course, Politics and Civil Rights.

Wolinsky is now bearded and a partner in a San Francisco public interest law firm called Public Advocates, Inc. A trial lawyer by trade and an activist by nature, Wolinsky contacted Horowitz right away, after reading his 1968 article dealing with school finance and the Fourteenth Amendment, and asked him whether anyone had ever brought a suit along the lines Horowitz's article suggested.

In fact, someone had—unfortunately so from the standpoint of the growing number of Californians interested in the cause, for, as their thinking moved toward the court action stage, one of their major strategic concerns was that a bad case would not only fail but in doing so also could establish an unfavorable precedent for other cases. Just such an obstacle arose as a legal attack on school finance was abortively launched in Detroit, where a school board desperate for money brought suit against the state of Michigan, claiming, in essence, that every child has a Fourteenth Amendment right to public expenditures in accord with his educational needs. Need, however, proved to be an elusive legal concept, referring as it does to a largely subjective condition. Coons sought to dissuade the Detroit lawyers from the course they were taking. One attorney flew to Berkeley to confer with him and Sugarman. As Coons recalls: "We had a friendly disagreement. They were determined to proceed with the needs argument. We felt it was a loser." And it was. The Detroit attorneys were never able to define the concept of need in clear and persuasive legal terms. The suit got nowhere and was eventually dropped, but only after it had gained widespread attention in legal activists' circles and had inspired a flurry of similar suits in other states. One such case, *McInnis* v. *Shapiro* in Illinois, was appealed all the way to the U.S. Supreme Court, which finally ruled against the equalizers, establishing a very unfavorable precedent indeed to other proponents of the cause.

Still, the Detroit and Illinois cases served as something of a spur to legal action by the Californians themselves. After Horowitz had told him of the cases and offered his opinion that they were being badly handled, Wolinsky suggested that they initiate a suit of their own. Horowitz agreed, and at that point, Wolinsky recalls, they were in a position once all too common for activist attorneys. "We were two lawyers with a couple of ideas and no clients."

Enter Derrick Bell, a hard-driving, former NAACP attorney who had just been appointed director of the Western Center for Law and Poverty and was anxious to get into action. "The center had a lot of money, but not much was being done," explains Bell, now an administrator at Harvard Law School. "Most legal service programs were operating on the old legal aid format, doing a lot of divorces, the kind of things that wear you down. We had to show we weren't just preaching change. We had to do something to show the law could be used in a dramatic way to change people's lives. We had to generate some excitement."

Wolinsky and Horowitz approached Bell with the idea of the Western Center's becoming involved in a case on school finance disparities, and the project very much suited Bell's predilections. Coons was later contacted at Berkeley. A series of more or less weekly meetings was set up between the principals in Horowitz's narrow UCLA professor's office, one wall of which is stacked with an avalanche of books, briefs, and law review articles that seems to cascade down across his littered desk.

Meantime the Western Center began looking for clients. It wasn't difficult, since many of the poor who came to the center complained bitterly of the educational inequities, both real and imagined, that their children suffered. In fact, the group's principal client more or less came to them.

John Serrano is a psychiatric social worker active in educational affairs in east Los Angeles's sprawling Mexican-

"We had to show we weren't just preaching change. We had to show that the law could be used in a dramatic way to change people's lives."

Illustration by Charles B. Slackman

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American community. At the time Bell was looking for a client he met Serrano at a dinner party in the *barrio,* and in the flow of conversation Serrano told of moving to suburban Whittier, because his son's principal had warned him to take his children out of the east Los Angeles schools if he cared at all about their education. The dinner party turned into something of a discussion of various ways of dealing with the gross educational inequities between rich school districts and poor ones. Eventually a consensus emerged that the courts offered the only hope. At the end of the evening Bell quietly suggested that Serrano call him the following week.

Serrano did. "How would you like to go into a class-action suit?" Bell asked Serrano, suggesting one of the approaches that is often used in social-reform cases, in which a group of people sues on behalf of a whole rank—or class—of potential plaintiffs. Serrano readily agreed and helped find others to join in the suit. The list eventually grew to thirty-seven—ten parents and their twenty-seven children. "We all went to the Western Center and signed a few papers, and that was it," he recounts. "That's all I had to do with the case. After that, it was the lawyers' case."

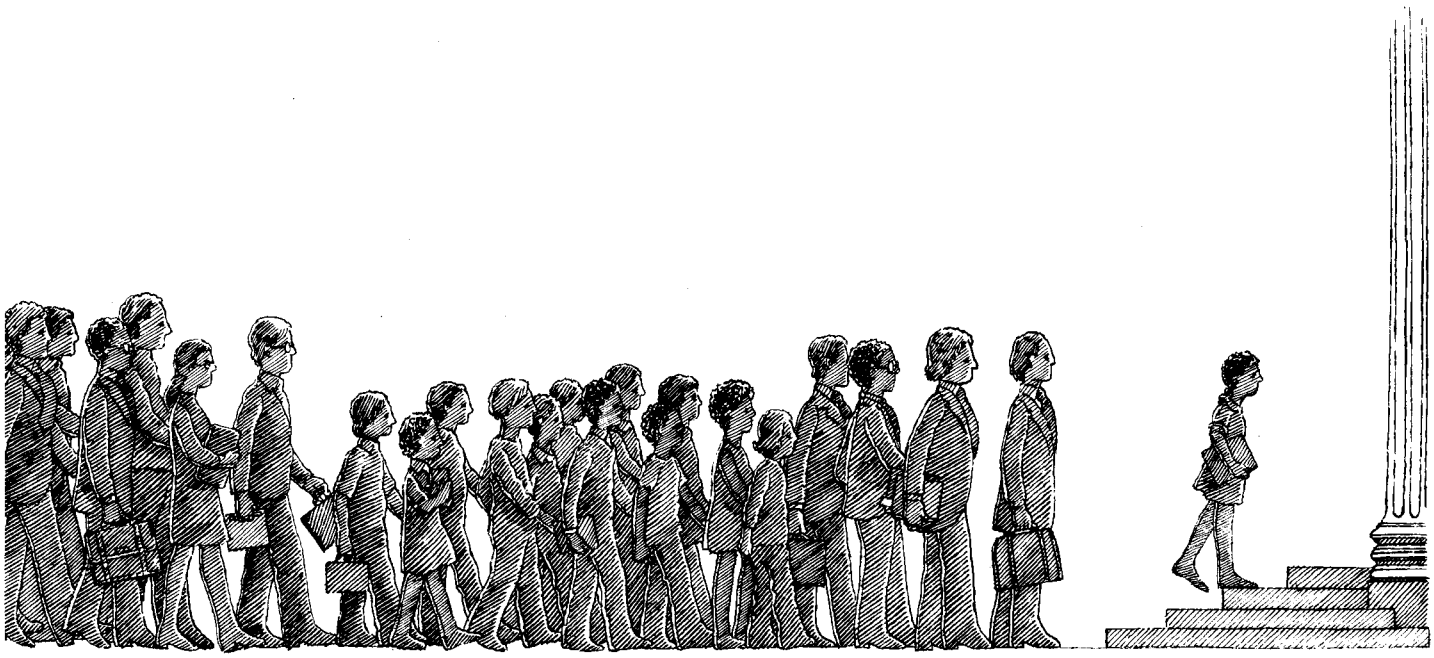
The lawyers' case took shape under the team that had coalesced: Bell acted as the administrator, quietly but forcefully cajoling the others, monitoring research into educational disparities in California, and drafting the complaint; Horowitz was the theoretician, dominating many of the initial afternoon-long sessions in his cramped office with an exposition of the legal strands to be drawn together; Coons was the resident expert on school finance, and his bulky manuscript became a veritable bible for the litigants; Wolinsky was the trial lawyer, vested with ultimate authority on tactical matters, since it was he who would have to take the case to court and argue it before a judge.

Serrano, like most cases that involve a major social issue, eventually involved dozens of other people as well: legal scholars who offered comment and counsel on the briefs, private attorneys who took time out from lucrative personal practices to do the same, OEO legal service attorneys pursuing their vocation, and inveterate activists pursuing their avocation. Legal activism of almost any kind is an immense, expensive, time-consuming undertaking. The legal fees for the work done for little or nothing on a case like *Serrano* would be astronomical. With the exception of a handful of the largest corporations, few individual institutions could afford to undertake the sort of legal action that is cooperatively pursued in the name of social change. Among the *Serrano* activists, for instance, Sara Adler, a law student at UCLA, spent an entire summer on a modest Western Center grant in the office of the state budget analyst drawing together relevant statistics on educational financing, the kind of figures that would later be cited in the case, such as the average assessed valuation of property per pupil ($95,000 for Beverly Hills versus $5,500 for Baldwin Park, both within the Los Angeles County borders) and the expenditure per pupil ($1,516 in Beverly Hills schools, $691 in Baldwin Park).

The first major tactical decision of the *Serrano* brain trust involved who should be sued and where.

The *Serrano* litigants, for instance, at first considered the idea of suing every one of the state's hundreds of school districts. There was some feeling that such a course might be necessary to get a decision that would apply statewide. But the logistical problems appeared overwhelming. Eventually it was decided that Serrano and his plaintiffs should sue the three state officials involved with dispensing funds for public education, headed by state Treasurer Ivy Baker Priest, and officials of Los Angeles County, where all of the named plaintiffs lived. The group considered including Governor Reagan among the defendants, but it dropped that idea because of a desire to make the case as politically noncontroversial as possible.

The question of where to bring the suit was much more important strategically. While legal activists look to the U.S. Supreme Court as an ultimate battleground where the broadest national rulings can be gained, one evolving sophistication of social reform lawyers is to shield an issue from the Supreme Court while building up a series of favorable lower court decisions and molding a favorable political climate nationally. Equalizing school finances represents a major doctrinal leap, and the California litigants felt that prudence dictated great restraint about doing battle in the nation's highest tribunal. There were special factors in addition that led the California litigants to shy away from the federal court system entirely and to confine their own case, if possible, to California's state courts. The state courts were regarded as being more responsive to practical arguments than the federal courts. Also, the state's highest tribunal, the California Supreme Court, recognized as one of the outstanding appellate courts in the na-



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tion, was felt to be particularly receptive to innovation and stubbornly independent—an ideal forum for *Serrano*-type litigation.

So opponents and arena were eventually agreed upon, and after twenty drafts and endless revisions the complaint itself was drawn up, but not until the thorny question of how or whether to deal with the racial factor in school-finance disparities had arisen and was tentatively settled. Poor school districts very often are black, or in the Southwest brown, in complexion, and Bell argued for a heavy emphasis on racial discrimination in the *Serrano* complaint. But he was outvoted by Wolinsky and Horowitz. Again the prevailing viewpoint was to make the case as noncontroversial as possible, and as uncomplicated, too.

As it finally emerged, the suit was a class action on behalf of all public school children in the state, and it encompassed nine major arguments, leading off with Coons's contention that the current system should be rejected because it made the quality of education a function of wealth. This was the crux of the case, but the *Serrano* litigants hedged their bets somewhat in the final presentation; the suit also included a variation of the Detroit needs argument and closed with the assertion that the current system for financing public schools was racially discriminatory.

All that remained was to file the complaint and draw one of the two judges who handle such proceedings in Los Angeles County. Wolinsky knew which judge he wanted and how to get him. Since the cases are assigned by complaint number, odd numbers to one judge and even numbers to another, all an enterprising attorney must do is look over the shoulder of the person in front of him, check his number, and bend down to tie a shoelace if he doesn't want the next number. But when the person sent by the *Serrano* team to file the complaint arrived at the clerk's office, on August 23, 1968, there was no one else in line. He had no alternative but to take the next number on the complaint roster. Wolinsky described the results with a sigh. "We draw the wrong judge, and the case is thrown out of court."

The *Serrano* lawyers were at least proved right at this juncture in their earlier concern over the Illinois case, *McInnis* v. *Shapiro*. Three days before the Serrano decision was announced, the U.S. Supreme Court affirmed a lower court's rejection of the *McInnis* suit on the grounds that the needs standard that was basic to it was a "judicially unmanageable" concept. The judge in the *Serrano* case cited the *McInnis* decision in his own short, unwritten opinion.

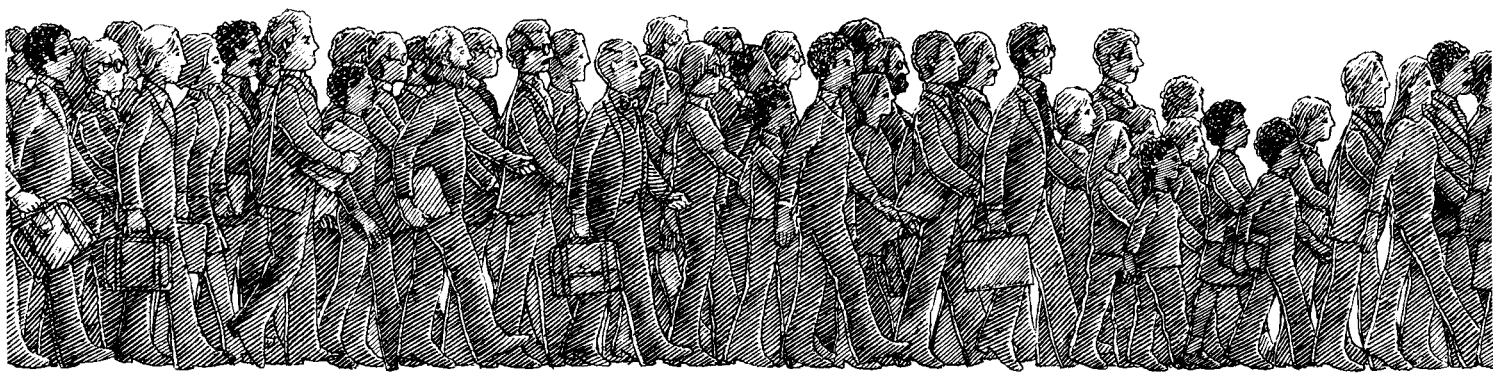
The decision was a disappointment to the *Serrano* litigants but hardly fatal to their cause. They immediately appealed, and, as a district court of appeals pondered the case, other developments outside of court were under way nationally that strengthened the *Serrano* case as much as the *McInnis* decision and that of the Los Angeles lower court had hurt it.

School finance reform had caught fire and was rapidly becoming the most fashionable new social issue among legal activists. In November 1968 the Potomac Institute, a prestigious Washington-based group that does research in the field of race relations and urban problems, sponsored the first of what was to become a series of national conferences on the question of school district inequities. The cast was, by this time, fairly familiar. John Coons keynoted the conference with a discussion of various state allocation plans. He was followed by a panel of four attorneys involved in pending cases, which, at this point, included *Serrano*, *McInnis*, the Detroit case, and a recently filed Texas suit, *Rodriguez* v. *San Antonio*.

But if the central cast was familiar, the supporting actors indicated the growing breadth of what by this time would have to be called a movement for school reform. John Silard, of the Washington firm of Rauh and Silard, discussed "Legal Theories for Constitutional Challenge," and David Cohen of Harvard's Center for Educational Policy Research discussed the educational and social implications of the movement. Conference participants included representatives of major universities, the general counsel of the NAACP and the associate general counsel of the AFL-CIO, officers of the Ford Foundation and the Rockefeller Brothers Fund, an assistant director of the Advisory Commission on Intergovernmental Relations, a former staff director of the U.S. Commission on Civil Rights, and a representative of the National Urban Coalition.

Thus bolstered by the reform establishment, the *Serrano* litigants pursued their appeal through 1969, reshaping their case to place greater emphasis on the inequity of having the quality of public education dependent on wealth while still further subordinating the lesser arguments and tossing out the ineffectual needs standard entirely. In September of 1970 the court of appeals summarily upheld the lower court's dismissal of *Serrano*. By this time, however, the movement was moving faster

School finance reform had caught fire and was becoming the most fashionable social issue among legal activists.



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than ever. With the aid of a foundation grant, the Washington-based Lawyer's Committee for Civil Rights Under Law, a product of the civil rights movement, established a school finance project to provide technical assistance to lawyers bringing school finance suits, support *amicus* briefs in school finance cases, and act as a clearinghouse on school finance litigation. About the same time the Harvard Center for Law and Education launched the bimonthly publication, *Inequalities in Education.* The lead article in the initial number was titled "School Financing and the Fourteenth Amendment."

The movement nationally was still a very haphazard affair. While its philosophical direction was being refined and publicized in a growing number of articles in law reviews, educational publications, and intellectual journals, there was no way to control the number and nature of the suits being filed, nor to guarantee their uniformity or quality. By the end of 1970 the four lawsuits had doubled to eight, and the Lawyers' Committee, armed with a three-person staff and an overworked Xerox machine, tried valiantly to maintain contact among the various litigants who often knew one another only via long-distance telephone calls or through notes scrawled on exchanged briefs.

The California litigants, meantime, weren't sure whether they still had a live case or not. Following the court of appeals' upholding of the original dismissal of their complaint, the *Serrano* team appealed to the California Supreme Court, and, what with growing acceptance in legal circles of the idea that unequal school budgets posed an adjudicatable problem, they were optimistic about a favorable ruling. If, that is, the high court chose to rule on the case at all. It could simply refuse to consider the case, and the *Serrano* team was not at all confident that all its efforts would not come to such a judicial dead end. Several months of uncertainty went by while the state supreme court considered appeal petitions at its own unpredictable pace. Then one morning Wolinsky was going through the day's mail and came across a plain white post card that said simply, "Serrano v. Priest/Hearing Granted." The most anxious period for the *Serrano* activists was over.

By this time Wolinsky had abandoned private practice and moved to San Francisco to direct the OEO-funded Neighborhood Legal Assistance Foundation. Coons had taken up permanent residence at Berkeley, and through the winter of 1970 and the spring of 1971 the two prepared their arguments for review by the California Supreme Court.

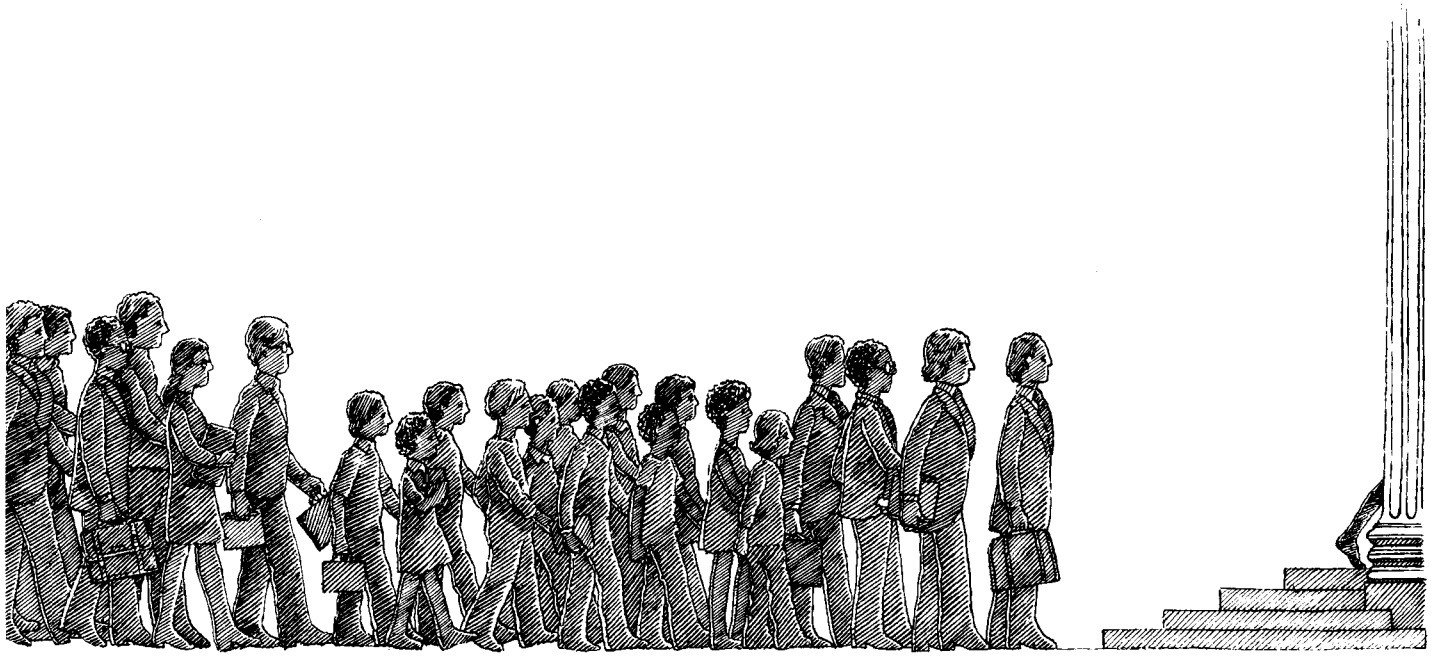
The case itself changed radically in its journey through the courts. Most importantly, once the California Supreme Court agreed to hear the case, the litigants were no longer burdened with the constraint of having to differentiate *Serrano* from *McInnis* and other earlier adverse decisions since the California Supreme Court was much more likely to follow its own reading of the law and feel less bound by precedents.

Where the lower court presentations had relied mostly on straight legal principles, the supreme court argument was expanded to stress a number of practical considerations. "We went to great lengths," Wolinsky explains, "to convince the court not only that was this the law but that it made great sense economically, politically, and that, administratively, it could be made to work." The case concentrated almost exclusively on the principle refined by Coons, Sugarman, and Clune that public education should not be determined by a community's wealth.

Although they sought to keep their own arguments very tightly drawn and to the point, there were several broader arguments the *Serrano* team members wanted the court to consider. The solution, as it often is in reform-oriented cases, lay in lining up prestigious friend-of-the-court, or *amicus,* briefs that would make those broader arguments and, not incidentally, indicate to the court the breadth of concern in the issue. "If the Supreme Court looks down and sees one poverty attorney from Wichita," Coons explains, "their reaction will not be the same as if they see practical people with a genuine interest in the issue."

"Our main problem was to limit the number of *amicus* briefs," Wolinsky adds. "These cases affect so many people that everyone wants to write his own little *amicus.* We tried to limit the *amicus* to those with the clearest and broadest interest in the matter."

Those selected as *amici* in Serrano's final hearing made up an impressive roster of supporters. The Youth Law Project, another OEO program, submitted a brief arguing that the maldistribution of education funds perpetuated the cycle of poverty. The NAACP and the Mexican-American Political Association were persuaded to file a joint brief, raising the question of racial discrimination. In a deft legal coup, carried out with several well-placed calls, Wolinsky got the San Francisco Board of Education, one of the wealthier in the state, to submit a brief supporting equalization. To buttress the



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case politically, a half-dozen well-known San Francisco representatives in the state legislature agreed to go in on the school board brief as "Of Counsel," another way of indicating to the court who your supporters are.

The *Serrano* litigants' moves were aimed not only at winning the case but at winning it by a substantial majority. Any victory in the state supreme court would result in the matter's being turned over to the state legislature where an alternative school financing system would have to be devised. A strong majority decision would represent a much clearer and stronger judicial mandate than a murky 4-3 nod in the direction of financial equalization.

The case finally had its day in the California Supreme Court. The judges questioned Wolinsky at exceptional length. Coons also spoke and, aiming for a strong majority, stressed to the somber justices that the relief sought by the plaintiffs was extremely modest and constrained. As Coons continued to emphasize the conservative nature of the relief sought, one of the justices leaned forward to interrupt him with a bit of benign reassurance: "Don't worry, Mr. Coons. We're not shrinking violets."

Indeed they weren't. The decision handed down by the California Supreme Court was as strongly affirmative as any of the plantiffs could have hoped for. "This funding scheme invidiously discriminates against the poor," read the nearly unanimous (6-1) decision, "because it makes the quality of a child's education a function of the wealth of his parents and neighbors. Recognizing, as we must, that the right to an education is a fundamental interest which cannot be conditioned on wealth, we can discern no compelling state purpose necessitating the present method of financing." The closely reasoned, strongly worded decision noted at one point, "Affluent districts can have their cake and eat it too: They can provide a high quality education for their children while paying lower taxes. Poor districts, by contrast, have no cake at all."

For all its far-reaching implications, the *Serrano* decision was neither announced from the bench nor released with any great fanfare. It was simply made available like any other decision. The litigants themselves first heard it on the afternoon news. Coons had been back packing in the Sierras and was just starting for home, driving through the breathtakingly beautiful Tuolumne Meadows when he heard the news on his car radio. "I was very pleased," he recalls. "But I was very unhappy about the way the press was reporting it. They kept saying the property tax had been declared unconstitutional." It was not the property tax per se that the court overturned, but the inequities of the current system based on property taxes.

A few hundred miles south John Serrano and his family were also vacationing in the mountains when they saw the news on television. Serrano rushed to a small town nearby and bought a newspaper to find out more about it. Says he, "I was very happy, but I really didn't understand then the full importance of what had happened. I just wasn't aware of the broad implications the decision would have."

Wolinsky was in Los Angeles and happened to be in Horowitz's tiny office when word came that a decision had been filed. They rushed to the office of the *Los Angeles Times*, the only place they could secure a copy of the ruling. After a quick reading of the lengthy opinion they each bought a memorial copy of the *Times* and treated themselves to victory cigars. Horowitz still has his copy of the banner headline on a wall of his office: "Cal School Tax System Ruled Out."

The celebrants had little time to savor their victory. Their success electrified the movement, which had been jolted by a series of reversals following *McInnis*, and a flurry of new suits was loosed. Since then the *Serrano* victors and others have been trying to stem the flow of litigation and bring some order to the movement lest a flood of ill-conceived, badly managed suits swamp their fledgling victory beneath a wave of federal court reversals.

Coons drew up a widely distributed model brief and has been on the phone frequently over the last year offering advice and guidance to attorneys as far apart as New York and Texas. Wolinsky prepared a terse, pointed critique of the complaint, which also has received wide circulation. Last October the Lawyers' Committee for Civil Rights Under Law convened a school litigation conference in Washington that drew more than 100 participants and reflected the incredible breadth of the movement: private attorneys from Park Avenue to Portland, Oregon; public and quasi-public officials from every level of government; dozens of OEO legal services attorneys; foundation representatives; and leaders from the research and educational establishments.

Wolinsky urged the conference to adopt a national strategy aimed at avoiding federal courts whenever possible and pressing state court suits until a favorable reservoir of legal opinions had been built up. At the same time, Wolinsky told a preconference planning session, technical assistance should be stepped up for those bringing *Serrano*-type suits, and a national group should be formed to press for legislative reform.

But, although few participants disagreed with those goals, there was a grudging admission that to accomplish them was quite another thing. As one conference participant put it, "Let's not delude ourselves that people are going to step in line and file the right suits in the right places alleging the right things."

The success of the *Serrano* activists, however, has made it easier for others to be right. In recent months courts in Arizona, Minnesota, New Jersey, Texas, and Wyoming have upheld school finance litigation and have cited *Serrano* in doing so. And the end of this fight may be soon at hand for the legal warriors—if the U.S. Supreme Court takes the occasion of its review of *Rodriguez* v. *San Antonio* to follow the California Supreme Court's lead and reject, for the country as a whole, public education contingent upon wealth.

As a strategic reminder to the nation's highest tribunal of the precedent set by the high court of the country's most populous state, John Serrano himself will be listed as an *amicus* in the *Rodriguez* phalanx of supporters. To no one's surprise, Coons and Wolinsky are both filing *amicus* briefs, and they have already taken part in consultations preparing for the Supreme Court showdown.

The legal champions of educational equality are by no means confident that the high court will rule in their favor. Although the *Rodriguez* complaint avoids the needs argument that was central to the unsuccessful *McInnis* suit, and even though *Rodriguez* was upheld by a three-judge federal panel, the case emphasizes racial discrimination—involving Mexican-Americans—and this is a theme that the *Serrano* litigants avoided for strategic reasons in their own final brief. Yet *Serrano* and the growing number of state court decisions favorable to the cause will probably stand in the individual states, no matter what the Supreme Court decrees nationally. Sooner or later, the legal activists expect, the tide of their activism and the strength of their cause are bound to sweep along the Supreme Court in any case. For some of the activists, the expectation is grounded more in desperation than in an ebullient anticipation of ultimate victory. They feel that their battle for reform through the courts is a last resort—a resort to, as Sid Wolinsky puts it, "the only branch of government with an aura of independence." Others are willing to contemplate ultimate victory, if not ebulliently, at least with quiet confidence. "If we lose this time around," John Coons shrugs philosophically about the prospects for Rodriguez, "we'll win a few years from now." □

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Wall Street's New "Social Responsibility" Funds

Can investing in corporations that benefit the common good also profit investors? A handful of new Wall Street mutual funds claim the answer is yes.

BY HARVEY SHAPIRO

The founders of a small California medical research and development company called Bentley Laboratories are in business, naturally enough, to make money. But, happily for them, they can serve a genuine humanitarian need while they pursue profits. Bentley Labs produces a medical gadget that serves to detour blood in the human body past the heart during the critical moments of open-heart surgery. So profitable has the making of these gadgets become that during a recent three-month spur of enthusiastic buying Bentley's stock soared from $22 to $44—refreshing proof that a company can both do good and do well in the nation's pragmatic money markets.

It is just such companies as Bentley Labs that growing numbers of a new breed of socially concerned investor are scouring American business to find. Among these investors, of course, are universities, church groups, and foundations that have been prompted by the current trends toward increased social activism and increased social concern to put their huge endowments to work supporting socially desirable enterprises. But "do-gooder" institutions are not alone today in seeking to invest in worthy businesses. Hard-nosed Wall Street investors have also got the message and are exploring what lately has come to be known as "socially responsible investing." Over the past year a group of "social responsibility funds" made debuts in the financial world. Set up as mutual funds, these business organizations sell their own shares to the public, then invest shareholders' money in a diversified portfolio of publicly traded stocks—but with a difference.

The new funds' analysts first of all determine which companies are discriminating in hiring, irresponsibly damaging the ecology, or violating consumer trust with faulty products. Only from among those corporations behaving in the public's interest, as they see it, do the funds then choose investments that they hope will be profitable. Four funds at present are committed to this novel investment approach.

• The bluest chip among them is Third Century Fund, launched last spring by Dreyfus Corporation, a giant money-management firm operating four other major mutual funds. Sponsored by the chairman of Dreyfus, Howard Stein (who was also the principal fund raiser for Eugene McCarthy in 1968), Third Century raised $24 million in capital for investments in its initial sale of shares to the public through underwriters. It has a prestigious board of directors that includes George Harrer and Robert Goheen, outgoing presidents of the Rockefeller Foundation and of Princeton University, respectively. The fund, says David Burke, a Dreyfus vice president and onetime aide to Sen. Edward Kennedy, will invest only in companies with the most acceptable records on pollution control, product purity and safety, and minority relations. It will also be seeking companies doing "breakthrough" work in medicine, mine safety, and other fields likely to effect the quality of life in the next decade.

• Pax World Fund, another fund with prestigious backers, was launched last fall by two staff members of the Board of Christian Social Concern of the United Methodist Church. Its aim is to provide religious groups with an investment vehicle that will enable them to avoid holdings in firms that profit from the Vietnam War. The $250,000 fund (which is extremely small as mutual funds go) also eschews firms with unsatisfactory records on fair employment. It hopes to put 10 per cent of its assets into investments in developing countries. Though founded by two Methodists, Pax has an ecumenical board of directors that includes such prominent laymen of other faiths as Hyman Bookbinder of the American Jewish Committee and C. Lloyd Bailey, who is chairman of the Friends General Conference.

• Social Dimensions Fund, a joint venture of Louis K. Polk, former president of MGM and of General Mills, and Ralph Quinter, a mutual fund manager, is the most recent of the social responsibility funds—so recent, in fact, that as of this writing it has not yet emerged from its registration process with the Securities and Exchange Commission and begun selling shares to the public. Social Dimensions has, however, already contracted to use the research services of the Council on Economic Priorities, a Ralph Naderesque research group that performs industrywide studies on questions involving corporate responsibility. CEP will help the fund find firms with acceptable records on pollution control, equal opportunity, and product quality.

• The oldest and perhaps most unorthodox of the new funds is First Spectrum Fund. Set up last fall by two former brokers from the Wall Street investment firm of Smith Barney & Co., First Spectrum promises not only to invest its present assets of $250,000 in socially responsible companies but also to involve itself actively in the development of responsible corporate attitudes. After Bohack Corporation, a supermarket chain, had signed an agreement with Operation Breadbasket to hire and promote more blacks, for example, First Spectrum bought Bohack shares and prepared and distributed to its shareholders a leaflet urging them to patronize the grocery chain.

Supporters of the social responsibility funds say the creation of such pools of capital to be invested on the basis of corporate good deeds or bad deeds can be uniquely effective in the promotion of enlightened changes in corporate behavior. Talk of buying or selling stock to reward or punish corporate behavior is a kind of language businessmen understand. Fund managers contend that the more "responsible" impulses of executives will be reinforced by the prospect of luring investments from the funds—investments that will help to support or raise the price of a company's stock. Conversely, tough, public-be-damned businesses will think twice about polluting the environment or discriminating against minorities lest the funds shun and/or dump their stocks. The funds financial "activism," if it involved large sums of money, could hold down a company's stock price, eat into the profitability of execu-

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tive stock options, disillusion other stockholders, and perhaps tarnish an otherwise highly polished corporate image. Because of these funds' potential impact on corporations in the stock market, such observers as Prof. Roger Murray of Columbia University's Graduate Business School say that, even though the capital for responsible investing is at present limited, "the funds represent a new and very material form of pressure on managements. Corporations will feel on the defensive with other stockholders if the social funds don't approve their stock."

Less enthusiastic about the potential effectiveness of the funds are a number of politically committed economists. One skeptic, for example, is Philip Moore, head of a corporate-reform pressure group, the Project on Corporate Responsibility, who was also an original sponsor Campaign GM. (The first effort of campaign GM was the attempt to use stockholder proxies in the corporation's annual meeting to elect representatives of the public to GM's board of directors and to create a shareholders' committee to review the effects of corporate policies on the public.) Moore says the notion that the funds can seriously influence corporations through the stock market is "all nonsense." "It's a head-in-the-sand approach just to build a clean portfolio," he explains, and adds, "You've got to go to the companies and raise the issues with them." In response to such criticism, one fund manager replies testily, "Our aim is to be an effective force—not a pain in the ass."

When, on the other hand, free market economists like Milton Friedman oppose the concept behind the funds, claiming that the allocation of financial resources on any basis other than profitability will reward inefficient producers and hamper the effectiveness of a market system, money managers like First Spectrum's Tom Delaney respond by insisting that the assumed conflict between corporate responsibility and healthy profits is fictitious. "Our fund's basic assumption is that for this decade the companies that are the most enlightened in dealing with their social problems will, in fact, be the most profitable, too. Enlightened management is a sign of good management, and good management usually means profits." Third Century Fund's research director, David Bronheim, in agreeing with Delaney, says, "Obviously there's not a one hundred per cent correlation [between responsible management and good profits], but we've looked at quite a few industries, and in general the correlation seems to hold up."

In addressing directly the question of whether the funds' shareholders could find themselves doing financially well by doing good, some fund managers like Dr. J. Elliott Corbett, a Methodist minister who is vice president of Pax World Fund, are cautious. "We hope an investor who seeks to be socially responsible will not have to take a loss," he says. "Now it may emerge that the truth is that he has to. But we hope he won't."

"Enlightened management is a sign of good management, and good management usually means profits."

Other fund managers are less equivocal about their potential for profit. They point to the financial success of do-good companies like Research Cottrell, Inc. One of the best-managed firms involved in the technology of pollution control, Research Cottrell has had an almost 100 per cent growth in net income over the past two years. Its stock, now near $80, has nearly tripled in two years. Damon Corporation, which in 1969 began building a nationwide chain of low-cost, automated medical laboratories, has also nearly doubled its net income from $2.4 million in 1969 to $4.2 million last year.

With these kinds of profit opportunities for investment in responsible companies available, there is no reason why the funds should be "money-losing investment vehicles," says one spokesman for the Third Century Fund.

Obviously, a method of investing that promises to help end abusive corporate practices and to reward beneficial ones without sacrificing investment performance has wide appeal. Even the normally hard-headed securities industry demonstrated support of the idea last fall when the staid Investment Company Institute, an association representing mutual funds with assets of nearly $50 billion, issued a special report declaring that corporate responsibility "should be considered an investment issue and factored into the process of making decisions. . . ." But despite growing acceptance of the concept behind the funds, practical problems remain. How, in fact, can "socially responsible corporate behavior" be determined?

In order to gain approval of their investment plans from the Securities and Exchange Commission, the funds have had to develop legally defensible definitions of socially responsible investing. The SEC is obliged to protect shareholders against the funds' possible misuse of money, and finding investment formulas that the commission feels do, in fact, enable shareholders to determine whether their money is or is not being invested according to expectations is a complex process.

When, for example, Delaney and Flippin first submitted their prospectus to the SEC in May 1971, First Spectrum Fund pledged itself to invest in firms that were "profitably participating in socially constructive trends." But even Flippin now admits, "As we tried to define what 'socially constructive trends' were, we realized that we couldn't do it properly. The SEC wanted objective measures by which investors could judge whether we were living up to our stated aims. In a pluralistic society socially constructive trends are in the eye of the beholder. Some people think the SST is constructive."

After an extensive revision of its investment guidelines, First Spectrum eventually stated it would invest only in companies that comply with federal, state, and municipal laws in the areas of environmental protection, consumer protection, and civil rights—the absolute minimum in corporate responsibility an outsider would assume. But this stipulation will, in fact, eliminate as investment possibilities many hundreds of companies operating in violation of such laws, and the SEC, Flippin explains, felt that with this guideline "shareholders could evaluate our performance." Flippin says that he considers such mere compliance with the law to be only a minimal gauge of responsibility. The fund will continue to seek companies that do more than the law requires of them.

Pax World Fund experienced a similar difficulty in the writing of its investment objectives. The fund's pledge is to avoid shares of firms that derive more than 5 per cent of their gross sales from the Pentagon. Originally the fund's managers did not want this rule to eliminate the possibility of investing in, say, a medical supply company that clearly was serving a social need, but incidentally deriving 6 per cent of its income from the sale of bandages to the Defense Department. "We are obviously *not* against caring for the wounded," says Dr. Corbett. Pax, therefore, tried to include in its prospectus an exception to the 5 per cent rule for companies that, although doing business with the Pentagon, were selling products that might be "ameliorative, positive, and helping to sustain life." The exception was rejected by the SEC because such descriptive terms could not be defined objectively.

While the fund managers admit that settling on what constitutes social responsibility may be somewhat subjective and may change over time, once a fund formulates its definition, managers say they can accurately and objectively determine which companies meet that definition. David Bronheim, a thirty-nine-year-old lawyer who once

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headed the Center for Inter-American Relations and who has been a fellow at Harvard's Kennedy Institute of Politics, is heading the research effort to measure social responsibility for Third Century. Having determined that pollution control, equal opportunity, and product purity and safety would be the fund's areas of concern, Bronheim concluded that it would be meaningless to attempt to rank all of the 3,000 or so publicly traded companies. Instead, he decided to compare companies only with others in the same industry.

The fund's researchers spent last spring and summer developing their procedures for eliciting and analyzing information about corporate behavior. To measure a firm's impact on the ecology, for example, they devised a system that separates an industry into its various production stages—extraction, manufacturing, transportation, etc. Bronheim's staff interviews company executives to discover their firm's performance in each of these operations. Researchers also look at information on company activities found in government documents such as the requests corporations submit to obtain federal permits to discharge waste into waterways. The analysts then grade a company—usually on a scale ranging from one to twelve—on its performance in each phase of production.

Similarly, when researching discriminatory employment practices, Third Century looks at information submitted by corporations to the Equal Employment Opportunities Commission to find out about company policies. A company will be graded, for instance, on the percentages of blacks, Indians, or Hispanic workers employed relative to the size of those minority groups in the company's geographical area, or on the number of blacks and females in managerial positions.

"A company's score is then tallied for each interest area," Bronheim explains, "and on the basis of the data we chart how it is doing in comparison to others in its industry. The number of companies we will deem suitable for investment in any industry is not decided in advance. If it turns out ten are bunched together with low scores and ten are bunched with high ones, our decision [on how many are suitable] is natural. If there is a more normal distribution, a traditional bell curve, then we have to make a fair, defensible, but obviously moderately arbitrary decision as to how far down into the sample we want to go. Those companies that are approved go on an eligible list from which a portfolio manager selects stocks for actual purchase."

Once the list of preferred companies has been prepared at Third Century and the other funds, traditional securities analysis of the companies' profits, earnings, and growth comes into play. "I've got a lot of companies on back burners because they pass my social criteria, but their business is in a cyclical downswing right now," says Ralph Quinter of Social Dimensions. When the companies' prospects improve, the funds will purchase their stocks.

Some doubters warn that to compare companies' records on social responsibility will unfairly discriminate against those companies in the nation's most basic industries since it is the makers of steel, chemicals, and automobiles, for example, that cannot help creating ecological problems. Ralph Quinter rejects this conclusion. The thirty-two-year-old former political science major from Haverford College and Yale argues: "Social responsibility is a relative business. So no industry is excluded. If you're in a business that by its nature is polluting, well, there's nothing you can do about changing the nature of the business. Somebody's got to make steel; somebody's got to make chemicals. Okay? There's no clean way to do it. But there are ways to control the dirty by-products of those operations," and those companies that try to do so should be considered socially responsible.

Royce Flippin says the funds won't have trouble finding stocks for their portfolios, at least not until they have a great deal of money to invest. Will that day ever come? Several stockbrokers agree that the funds might expand rapidly. They suspect the potential market for the funds is large because the type of people who have money to invest in stocks are precisely the affluent urbanites who are concerned about such issues as corporate responsibility. When Fidelity Trend Fund queried its mutual fund holders on whether social responsibility should be a factor in investment decisions, 12 per cent of investors in the $1-billion fund said yes.

While the managers of the social responsibility funds believe their initial market will be urban and suburban families that now invest in mutual funds, they are hoping ultimately for even bigger game—the management of university, church, and philanthropic endowment funds. "Any number of foundations have been struggling with the problem of building a socially responsible portfolio," says one fund manager. "Endowment managers at many universities are facing student and faculty pressure to look at 'what' as well as 'how' a company is doing. A lot of religious leaders were shaken by a National Council of Churches study that showed some two hundred million dollars of church money was invested in companies that produce military goods. A few years ago these institutions hired professional investment managers to improve investment performance. Now we're hoping some of them will give us a portion of their assets to invest responsibly."

The Glide Foundation and several Quaker groups have already turned portions of their portfolios over to the Pax World Fund for management. If the funds get control of other endowment money on a large scale, then other Wall Street investors might well be forced to follow the funds' lead. Securities analysts would have to watch corporate records in order to predict which stocks the funds were likely to be buying or selling. And some traditional investors would end up buying and selling on the same basis as the funds—not out of any social concern, but simply to anticipate the impact of the funds' investment decisions. Such investors, of course, wouldn't *be* socially responsible; yet they might contribute to the achievement of responsible behavior. When the supporters of the funds sketch this scenario, they are reviving one of capitalism's oldest doctrines. In *The Wealth of Nations* Adam Smith promised a system in which an investor, acting in his own self-interest, "frequently promotes [the interest] of society more effectually than when he really intends to promote it."

Whether or not this new version of the invisible hand manifests itself and whether or not, as Ralph Quinter says, "social analysis is going to become more and more a part of conventional securities analysis" will depend in part on the fate of the first four social responsibility funds. As the research director of one major brokerage house recently summed it up, "We are watching to see how the funds do, and, if social responsibility is what people want to buy, you can be sure that's what we're going to be selling." □

If you want a piece of the action...

Further information on the social responsibility funds mentioned in this article can be obtained by writing directly to the funds:

Dreyfus Third Century Fund, Inc.
767 Fifth Avenue
New York, New York 10022

First Spectrum Fund, Inc.
230 Park Avenue
New York, New York 10017

Pax World Fund, Inc.
224 State Street
Portsmouth, New Hampshire 03801

Social Dimensions Fund, Inc.
562 Fifth Avenue
New York, New York 10017

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THE SKYJACKER And How to Stop Him

This new jet-age crime cannot be expected to run its course and fade away. In fact, it is growing and spawning new crime mutants. There *is* a way to stop skyjackings. But it will be expensive.

BY THE EDITORS

D. B. Cooper, although probably a phony name, is one that will live a little in history. The name appears to be an alias adopted by a conservatively attired businessman who boarded a Northwest Airlines 727 last Thanksgiving eve and disembarked, unlike his fellow passengers, by means of a parachute, carrying with him $200,000 in small bills. Cooper, or whatever his real name is, had extorted this sum by threatening to blow up the plane. A four-state manhunt, which included units of the Third Armored Cavalry, was launched, but no trace of the skydiving skyjacker was ever found.

Much like the daring exploits of Dillinger, and of Bonnie and Clyde years before, Cooper's crime captured the public imagination, as well as its admiration. In Seattle a bowling alley advertised a "D. B. Cooper Bowling Sweepstakes"—with cash prizes. There were also "D. B. Cooper" T-shirts that came out in three different styles. One of these carried the words "Skyjacking—the only way to fly" but was withdrawn from the market after objections from Western Airlines, whose copyrighted advertising slogan is, "Western—the only way to fly." Cooper was even celebrated in a country-western song that gained brief popularity on the West Coast:

D. B. Cooper, where are you now?
We're looking for you high and low.
With your pleasant smile
And your dropout style,
D. B. Cooper, where did you go?

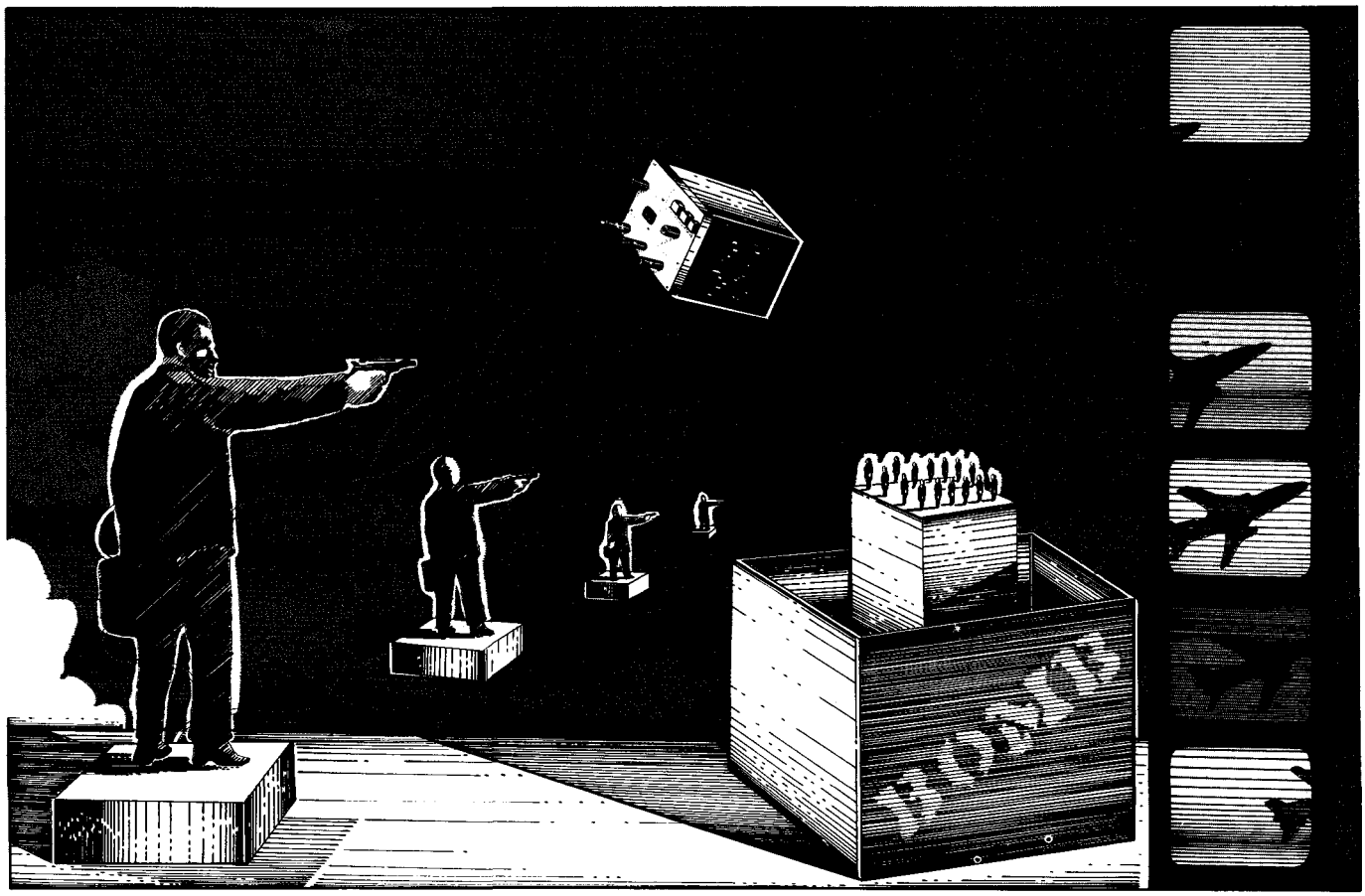
"D. B. Cooper, Where Are You?"
© 1971 Fremont West Music.

All that was several months ago. But times change. Last month, for example, the bullet-riddled body of a twenty-four-year-old Vietnamese would-be skyjacker was hurled like so much garbage out of a parked airliner by the pilot. "I just couldn't stand to have that person in any part of my airplane," the pilot said wrathfully.

That same week Los Angeles Police Chief Edward M. Davis stunned a group of reporters when he told them how he would like to "get tough" with skyjackers. He put it this way: "I would recommend we have a portable courtroom on a big bus and a portable gallows, and, after we get the death penalty back in, we conduct a rapid trial for a hijacker out there, and then we hang him with due process of law out there at the airport."

Quite obviously, emotions have got the better of reason. The young Vietnamese skyjacker who had five bullets pumped into his body while he was held by the plane's pilot—after having been disarmed—was carrying only a knife and a "bomb" that turned out to be a bunch of lemons wrapped in tinfoil.

What all of the above-mentioned extreme reactions to the crime of air piracy reflect most deeply is our inability as a society to understand and to know how to cope with this new-found vulnerability in one of the prides of our technology. Being confused and frightened, we see the problem one day as a caper and the next as a wicked menace, and by turns we poke black humor, then rail, and finally blaze away



DRAWINGS BY PAUL SPINA

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with our guns. It is time to sort things out, time to develop a clear perspective on the problem and then decide what must be done. We ought to ask, for example, if the airlines have fallen victim to some sort of criminal or perhaps psychopathic epidemic. Will skyjacking simply run its course and then fade away as mysteriously as it came into being? Are newspapers, magazines, and television news shows guilty of fostering the crime by giving it undue publicity? Whatever happened to President Nixon's much-vaunted "sky marshals," and why could not *they* put an end to air piracy? Is there *any* way the crime can be stopped? Or must we simply learn to live with it—and minimize the inconvenience to ourselves by taking out "skyjacking insurance" as was proposed a couple of weeks ago by the American Home Assurance Company?

To begin this study it is important to recognize, first of all, that the crime of skyjacking is not a very new one, and that, far from fading away, it has gone through a remarkable evolution that is spawning new crime mutants.

Just as the first bank robbery took place soon after the first bank was built, the first skyjacking occurred shortly after airplanes came into general use. It happened in 1931. In this first instance the seizure took place during a revolution in Peru. A group of armed soldiers captured a Panagra airliner, which they planned to use to drop propaganda leaflets. The conflict ended, however, before the plane was put to use by its captors.

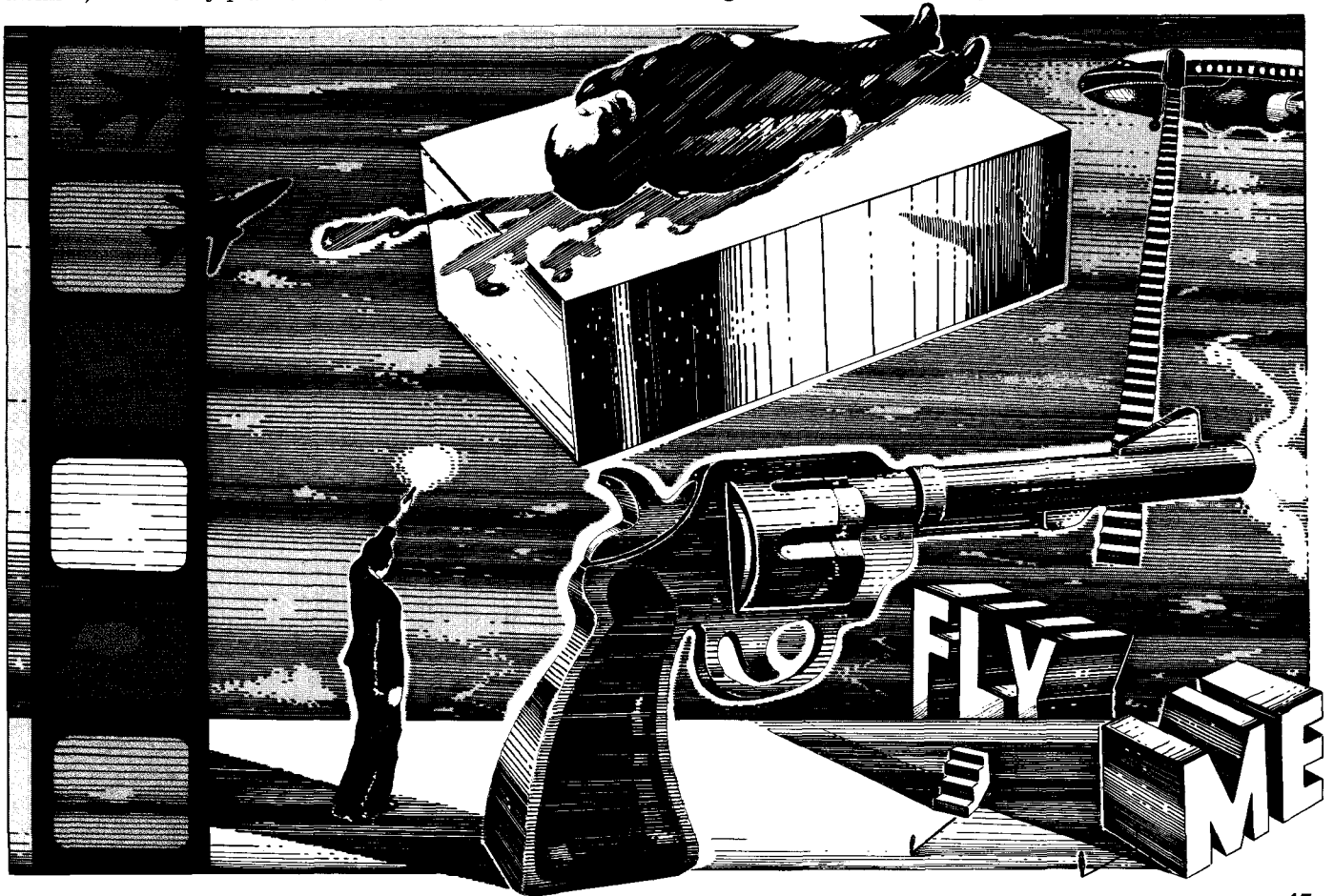
Strangely enough, the pilot of that Panagra airliner, Capt. B. D. Rickards, later settled in Redondo Beach, California, and happened to be the pilot of one of the first American planes ever to be skyjacked—a Continental Airlines Boeing 707 that was commandeered in 1961 near El Paso, Texas, by a father-and-son team. The second instance was much more frightening than the first, the now-retired Rickards told Peter Hauck of *SR*. "The guy at El Paso was really kind of erratic, waving his gun and threatening me one moment and calm the next. We had the feeling he might just *do* something like shoot someone, and that was kind of frightening. In Peru, however, they weren't wild. They were very soldierly."

All through the Thirties, Forties, and Fifties no American airliner was taken over by force of arms. Nearly fifty planes in as many countries were skyjacked, but it always seemed to happen to "other people." To many Americans during those years skyjacking seemed as unreal a crime as political assassination. Such offenses against the established order were unthinkable in modern America.

Then, on May 1, 1961, it happened here. This first case of skyjacking in the United States took place aboard a National Airlines twin-engine Convair bound from Miami to Key West with eight passengers, including an infant. Midway in the flight a slender, neatly dressed young man wearing what were described as "smoked glasses," who had given his name as Elpirata Cofresi (in Spanish the words mean "The Pirate Cofresi"—an allusion to a buccaneer who sailed the old Spanish Main), got out of his seat, walked up the aisle, and entered the cockpit. Out came a revolver and a knife. So startled was the pilot that he inadvertently swerved the aircraft sharply to the left. If "Cofresi" was thrown off balance, he quickly recovered, for he pressed his knife against the throat of the pilot and pointed his gun at the copilot's head, ordering the latter out of the cockpit and telling the pilot to take the plane to Havana.

Captain F. X. Riley spoke to his passengers over the intercom: "The plane has been rerouted to Havana. Don't panic. We will be back in the United States in a few hours."

"Cofresi," who spoke with a slight accent, then related to Captain Riley what the pilot considered the most outlandish cock-and-bull story he had heard in a long while. The knife-and-gun-wielding bandit said that Gen. Rafael Leonidas Trujillo Molina, the Dominican dictator, had offered him $100,000 to assassinate Fidel Castro. But he was going to fool Trujillo, "Cofresi" continued, and warn Castro of the plot. Captain Riley concluded



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that he was listening to a "psychopath" and that the safest thing for him to do was to follow the man's orders.

As soon as the plane landed, "Cofresi" leaped out and began jabbering to the Cuban authorities about the plot to assassinate Castro that he had come to foil. He was quickly taken into custody. Once the Cubans realized what had taken place, they proved cordial hosts, offering the crew and passengers refreshments. Captain Riley was then allowed to take off and return to Key West, bringing his passengers to their destination four-and-a-half hours late.

The incident was not reported in the press as the "first skyjacking" in the United States, of course, because no one then could imagine that it was anything but an odd, isolated event—the bizarre act of a deeply troubled mind. The *New York Times* reported the incident on page 1 the next day, describing it as a "forced detour" and thereafter referring to it as "the Cuban incident." But three months later, when an Eastern Air Lines Electra with thirty-two passengers aboard was commandeered by a pistol-toting Castroite zealot and forced to fly to Havana, it became evident that the crime of skyjacking had taken root in America. "The Electra was the second U.S. airliner to be hijacked and flown to Cuba," the *New York Times* reported grimly.

Before the year was out three more American planes were seized by air pirates. The most spectacular of these was the case in which Captain Rickards earned the unwanted distinction of becoming the world's first pilot to be forcibly relieved of the command of his aircraft on two separate occasions. This particularly disturbing case added a few other firsts to the annals of skyjacking as well. It was the first and only time a father-and-son team commandeered an aircraft. The father, a former convict, evidently compelled his sixteen-year-old son to join him in the escapade. It was also the first time the President of the United States became involved in an incident of this kind. President Kennedy was notified when the plane landed in El Paso, and he in turn instructed the FBI to let agents on the scene decide whether or not to allow the plane to take off for Cuba. As a consequence, this incident also became the first time federal agents opened fire on a skyjacked airliner. Just as the big jet was gathering speed for take-off, fifteen FBI agents and border patrolmen drove alongside it and shot out the plane's ten tires and one of its engines with bursts from submachine guns and rifles. Tracer bullets streaked through the undercarriage. The huge aircraft lurched to a stop, spilling fuel. Cars, trucks, ambulances, and police vehicles then surrounded it. Several crew members and passengers leaped off the plane and were arrested in the confusion. Meanwhile, FBI agents slipped aboard and jumped the gunmen. Miraculously, no one was hurt except the ex-convict, who was stunned with a blow on the jaw.

Not surprisingly, Congress was up in arms. A Senate subcommittee swiftly approved a bill that provided mandatory life imprisonment for convicted skyjackers. Sen. A. S. Mike Monroney, then chairman of the aviation subcommittee, called for an even stronger punishment—a mandatory death sentence. Congress finally passed a law setting a penalty of from twenty years to life in prison.

Skyjacking is not a new crime. The first case occurred in 1931, soon after planes began to fly.

Over the next six years there were only seven cases of skyjacking in the United States, giving hope to optimists who believed that this curiously modern criminal affliction was gradually fading away. But in 1968, for no reason the authorities have been able to determine, twenty-two planes were skyjacked. The following year the number soared to forty. The skyjackers involved had armed themselves with everything from ice picks and razor blades to acid and tear gas. Cuba remained a favorite destination, but the outlaws also forced American planes to detour to such out-of-the-way places as Syria, Lebanon, Honduras, and Vancouver, British Columbia.

Looking back on this rash of air piracy, it is possible to categorize it as Phase One or what an English scholar might call Early Skyjacking. Phases Two and Three (Middle and Late Skyjacking) were yet to come.

Phase Two commenced last November. As with the onset of Phase One, neither the general public nor law enforcement officials recognized immediately that something terrifyingly new had been added to the repertoire of the skyjacker. It took a while for everyone to realize what was going on. Until last November the sole accomplishment of the skyjacker had been the rerouting of airplanes to destinations of the bandit's choosing. Some of these skyjackers seemed driven by a political motive. They were pro-Castro or pro-Arab or, in one case, a skyjacker said his purpose was to call attention to the grievances of Chicanos. Others were simply fugitives from the law. Skyjacking a plane to Havana occurred to them as a novel getaway after robbing a bank. Still others, probably the majority, were mentally disturbed. For example, David G. Hubbard, a Dallas psychiatrist who interviewed twenty convicted skyjackers, came up with the fascinating conclusion that "a specific stimulus and excitement" for almost all of them had been their obsession with the space program. Commonly, Hubbard found them to have "a singular neurotic preoccupation with space, motion, and the force of gravity," and they even dreamed of "being able to fly, weightlessly, like an angel or an astronaut." It is, of course, likely that many psychopaths shared these same obsessions during the most exciting years of the space program. In any case, whatever their motives, until last year skyjackers managed only to delay or change the destination of the planes they seized in the United States.

Since they gained control of an airplane by holding in jeopardy the lives of the crew and passengers, however, there was always the possibility that the skyjacker would demand more than just a rescheduled landing. Like kidnappers, for example, they might turn to extortion. The trouble with trying to extort money, however, was the unanswered question of what the skyjacker-extortionist would do after he received his ransom and permitted the plane to land safely. How could he get away with the money?

Landing in Cuba was not the answer—although that might have worked in the early days. Cuba had become a favorite destination of skyjackers, not really because so many air pirates were sympathizers with Fidel Castro, but because the Cuban government, for a time, actually welcomed them. It did so because, soon after the Castro government expropriated certain American assets in Cuba, U. S. authorities seized in reprisal ten Cuban planes then in the United States, and thus, when skyjacked planes began to arrive in Havana, the Cuban government was glad to receive them as hostages for the detained Cuban aircraft. But skyjacked planes began to arrive in Cuba with embarrassing frequency, and, when the Castro government realized that a criminal fad in the United States was getting out of hand, it became increasingly intolerant of skyjackers and unceremoniously put them to work in the cane fields. Some were even sentenced to prison. Since 1969 the Cuban government has promptly returned to the United States all skyjacked planes, crews, and passengers.

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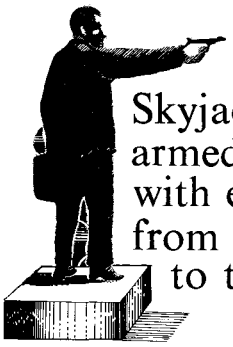
There was also a time when the Egyptian government welcomed politically inspired skyjackers as "patriots," but international pressure soon caused Egypt, as well as her radical Arab neighbors, to take a less sympathetic attitude toward air piracy. In September 1970, for example, the revolutionary Palestinian Liberation Organization (PLO) ousted a group of terrorists who called themselves the Popular Front for the Liberation of Palestine (PFLP) and who specialized in skyjacking. The PLO held that air criminals had damaged the cause of Palestinian "liberation." At present the Egyptian government refuses to release information about the fate of skyjackers. The Algerian government is equally tight-lipped on the subject, but, as two recent cases indicate, ransom money is now being seized from skyjackers and returned to the United States.

Such developments have pretty much left the would-be air pirate without a safe harbor today. The PFLP ingeniously, yet with great risk, got around the where-to-land problem in September 1970 when it forced three jetliners down on an abandoned World War II airstrip in the Jordanian desert. But such landings, besides being perilous in the extreme, and besides being dependent on the sympathy of the government on whose territory one lands, cannot possibly succeed without the support of a sizable, well-equipped, and well-trained organization—something far beyond the capabilities of most outlaws. Yet there is another perfectly obvious escape route for the would-be skyjacker-extortionist. Indeed, it was



Skyjackers have armed themselves with everything from ice picks to tear gas.

only a matter of time before some enterprising criminal thought of extorting a large sum of money and then making his getaway from a skyjacked airplane by parachute.

The first man crazy enough to try it was a bungler named Paul Joseph Cini, a twenty-six-year-old Scot living in Canada. Last November 13 Cini, brandishing a shotgun and a bomb that later was found to contain dynamite, seized control of a DC-8 en route from Vancouver to Toronto. At first he demanded $1.5 million but ultimately accepted only $50,000, which was all that could be raised when the plane landed. Cini then forced the crew to take off again. While preparing to step into the harness of a parachute he had brought along, he laid down his shotgun and the airplane's purser seized the moment to club him over the head with the blunt end of a fire ax. Cini wound up in the prison ward of a hospital in Alberta (he has since been sentenced to life imprisonment), but his effort, it appears, did not go unnoticed.

Two weeks later, on Thanksgiving eve, an inconspicuous, middle-aged traveler who boarded Northwest Airlines Flight 305 and signed his name D. B. Cooper pulled off Cini's clumsily fumbled plan with what appears to be the consummate art of the master criminal.

Northwest Airlines Flight 305 started out as one of the least glamorous jet junkets imaginable, prosaically leapfrogging its way across the country from Washington, D.C., to Minneapolis, Great Falls, Missoula, Portland, Spokane, and finally Seattle. Cooper boarded toward the end of the junket in Portland. A tall and dark man of about forty, he was wearing a reddish-brown business suit and sunglasses. "He was very unobtrusive," one passenger later recalled. Shortly after take-off Cooper handed the stewardess a note stating his demands. "I thought he was trying to hustle me," Florence Schaffner recalls. "I stuffed the note in my purse, and he motioned that I should take it out and read it." The note stated that unless he were given $200,000 in cash and four parachutes upon landing in Seattle he would blow up the airplane. To prove he meant business, Cooper opened his suitcase and showed Miss Schaffner two ominous-looking red cylinders and a tangle of wire.

"I saw one stewardess answer a call, and her face dropped," a passenger recalled. "She looked bewildered, and she gulped. I guess she learned what was happening then."

Few of the other passengers were aware of what was taking place. When Miss Schaffner gave Cooper's message to the pilot, William W. Scott, the latter said nothing to the passengers but radioed ahead to Seattle. When word reached Northwest President Donald W. Nyrop, he issued an order requiring full cooperation with the skyjacker, perhaps mindful of the three deaths that resulted when FBI agents had charged a skyjacked plane in Jacksonville three weeks before.

Evidence of the sophisticated knowledge and planning that lay behind Cooper's scheme began to emerge after Captain Scott landed in Seattle and told the skyjacker that he had procured the requested chutes from McCord Air Force Base in nearby Tacoma. Cooper said he would not accept military parachutes, demanding instead sport models. The difference between the two is that military parachutes open automatically after a fall of about 200 feet. Sport parachutes, designed for skydiving, permit a much longer free-fall. Cooper was aware not only of the technical difference, but evidently understood that military aircraft are frequently used to "escort" skyjacked airliners. Accordingly, his plan was to bail out in the cover of darkness and then not open his chute until the last possible moment so that the chance of his being spotted by military escort planes was remote. (One of Cooper's imitators a couple of months later neglected such precautions. A former army paratrooper, he bailed out of a skyjacked airliner with half a million dollars, but two military pursuit planes and one private plane followed his chute to the ground and directed authorities to him for an easy capture.)

Cooper's asking for more than one parachute was also clever. Such a request would lead authorities to suspect that he planned to force a hostage to bail out with him, and, therefore, they would not risk giving him chutes that would malfunction. (The standard practice today in such cases is to give the skyjacker parachutes that work, yet that have tiny radio beacons secreted inside them. It would be almost impossible to unfold a parachute and find and remove all the beacons while aboard the airplane.)

Cooper's selection of the Boeing 727 was knowledgeable, too. This particular airliner is one of the few in use today equipped with a rear exit located behind, but safely under, the jet engines, thus making it safe for launching a parachutist.

When the money and sport parachutes had been put aboard, Cooper allowed all thirty-six passengers as well as a couple of stewardesses to disembark. But he kept one stewardess, Tina Mucklow, sitting beside him. At that point an unarmed Federal Aviation Administration official came aboard to try to talk with the skyjacker. "Let's get this show on the road," Cooper barked gruffly, and the FAA official departed.

"We have one stewardess remaining with the individual," Captain Scott reported to the control tower. "I hope that truck [a gasoline truck then refueling the airliner] is full. He's getting awfully antsy. He wants the stewardess sitting back there with him on the take-off."

Cooper gave Captain Scott very precise instructions before take-off. He insisted that he fly no higher than 10,000 feet, that the wing flaps be kept canted, and that the rear door be un-

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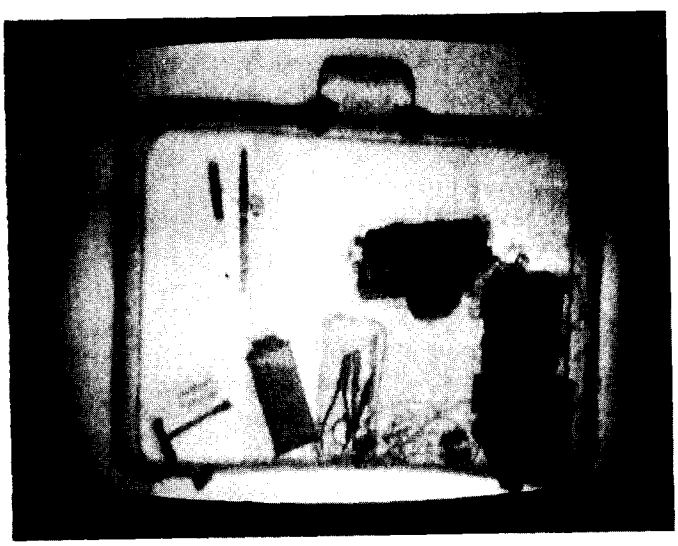
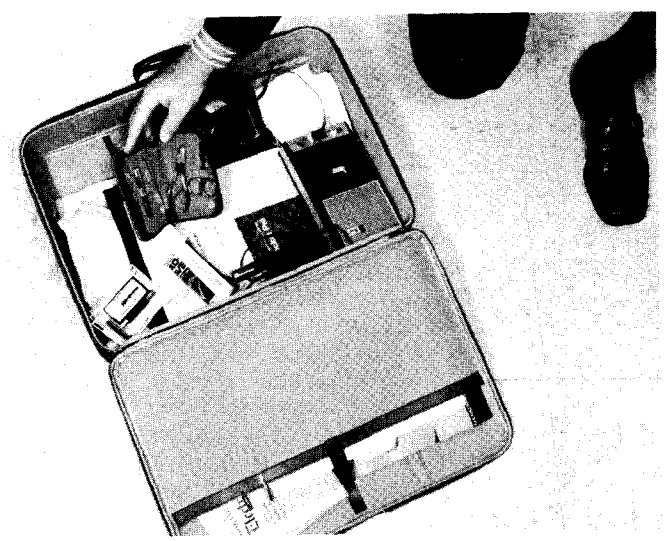
The technological means of virtually eliminating the menace of skyjacking are at hand. The question is: Are the American people willing to pay the bill? Up left, an inspector views the contents of an attaché case on a fluoroscopic screen developed by Bendix Aerospace Systems. To the right, a "gun detector" passageway manufactured by Westinghouse is demonstrated. At left, British soldier uses an electronic "bomb sniffer" to search a woman's handbag in Belfast, Northern Ireland. Below left is the X-ray view of a typical businessman's carry-on suitcase. The equipment is the Norelco Saferay Detection System, which is said to be harmless even to high-speed photographic film. At right, the inspector has opened the suitcase to check a suspicious object.





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locked. The result was that the plane flew at close to its minimum cruising speed of 200 miles per hour, thus providing the safest possible jump conditions for a parachutist.

After take-off Cooper sent Miss Mucklow into the cockpit with the pilot and the other crew members and directed Captain Scott to fly to Reno. His last message to the cockpit via the intercom came a little after 8:00 p.m., when the jet was near Ariel, in southern Washington. A short while later an instrument light in the cockpit signaled that the rear door had been opened, dropping the cabin pressure and lowering the temperature to seven degrees below zero.

When the jet landed in Reno there was no sign of Cooper, his suitcase, two parachutes, or the money. Authorities fed information from the crew into a computer to predict where Cooper would have landed if he bailed out shortly after the rear door was opened, but the manhunt, which scoured a ten-by-fifteen-mile stretch of snow-covered woodlands south of the Lewis River in the foothills of the Cascade Mountains, proved fruitless. An FAA official told *SR*'s Didi Lorillard that "Cooper was probably killed when he landed in the rugged, heavily forested countryside." But this sounds suspiciously like a statement invented to deter imitators. Others say that Cooper wisely selected ideal terrain for a parachute landing, and that, in fact, there are a number of small airfields in the vicinity where sport parachuting is practiced.

Soon after the search for Cooper was abandoned, Frank Borman, the former astronaut and now a vice president of Eastern Air Lines, accused the news media of portraying Cooper as a "folk hero." Although Colonel Borman's charge did not include the names of specific publications or programs, let us concede that there is some justice in it. Nevertheless, it is important to understand that Cooper claimed attention, and even won some admiration not merely because of the way he was pictured in the press and on television but because of the curiously interesting ethos that he himself projected and because of the truly remarkable nature and skill of his crime. The elements of this attractiveness are worth considering briefly. In the first place, there is always enough latent anger and frustration with the established order of society so that almost everyone can enjoy the emotional binge of a momentary and strictly fanciful identification with someone who daringly breaks all the rules and appears to get away with it. In fact, there is nothing wrong with that. It is pure escapism—no different from relishing an Alfred Hitchcock movie. Where the fascination with Cooper goes astray, however, is the point at which one begins to see certain moral virtues—certain "Robin Hood" characteristics—in Cooper's crime. It is simply wrongheaded, for example, to say that he hurt no one, and that if his "bomb," like so many others carried by skyjackers, was actually a fake he placed in jeopardy no life other than his own. The fact is, that just by *threatening* to blow up an airliner, Cooper brought on the possibility that others, acting in the belief that his bomb was real and that he himself was possibly suicidal, might take desperate countermeasures that would indeed risk lives. Witness, for example, the killing of an innocent passenger during a shoot-out aboard a sky-

The airlines are still not compelled by law to search passengers and their luggage.

jacked airliner at the San Francisco International Airport in July.

The most unfortunate aspect of the Cooper story, like all the stories of the "great" criminals, is that it has inspired a tragic following—a sorry collection of the desperate, the distressed, and disturbed who are, in virtually every case, as incapable of carrying off a complex criminal procedure as they are of dealing with even much simpler problems in life. And thus, Cooper himself, and Cooper alone, may be seen as Phase Two, or to be light-hearted about it, Middle Skyjacking. His exploit provided a brief period in which it was possible for at least some to find romance, excitement, release, and even amusement in the crime of air piracy. Those who came after him, however, are a different breed. They are Phase Three.

By the end of last month there had been nearly twenty skyjackings that appeared to owe a debt to Cooper. Those crimes might well have been attempted even if Cooper had never existed (Cooper, after all, did not invent skyjacking), so all of these incidents cannot be blamed on him. Nevertheless, since a good many have tried to combine extortion with an escape by parachute, it appears that Cooper has exerted a profound influence on the *modus operandi* of the skyjacker. And that is a fact to be regretted.

"We have a new ball game," explains Benjamin O. Davis, a former air force general who runs the Department of Transportation's antiskyjacking program. "It is essentially more violent and dangerous than the old one. Extortion on top of hijacking is adding dangers. There are more complications rounding up the money and parachutes. There's more chance for something to happen. And, as happened in the Mohawk episode, it can end up in a case of kill or be killed."

The "Mohawk episode" to which Davis refers is a somewhat typical, and intensely sad, instance of what Phase Three skyjacking has come to. The offender in this case was a forty-five-year-old father of seven named Heinrich Von George of Brockton, Massachusetts, who was driven to his act by desperate financial straits. Von George's life had consisted of one disaster after another, including unsuccessful efforts to run a tobacco shop, to sell drug products, and to work as an assistant manager of a discount store. Friends later said that, although heavily in debt, Von George seemed determined to try again, when he told his wife he was heading for Albany, New York, to look for a job. Instead, in January of this year, he commandeered a Mohawk Airlines propjet with a starter's pistol (which was later found to contain nothing but harmless blank cartridges). In control of the airplane, Von George demanded and was given $200,000 and a get-away car. The last job he bungled was that of ushering a stewardess hostage into the car he had ordered parked alongside the plane. As Von George entered the car, he was pounced upon by FBI agents who had been hiding under the plane. Mindlessly, or perhaps ardently wishing for death at this point, he fired a blank at one of the agents and thereupon was killed by a close-range burst from a shotgun.

What is to be done about these crimes? Clearly, the problem is not fading away. It is becoming more common and, as General Davis observes, more dangerous. A number of solutions have been proposed. Let us examine them one by one.

First, what about sky marshals, as well as other in-flight security measures? In 1970 President Nixon announced that 1,300 armed, incognito agents would be placed aboard airliners that flew the routes that had proved most vulnerable to skyjacking in the past. This $30-million federal program did not prevent twenty-seven skyjackings during the following year—the same number that had occurred over the previous twelve-month period when there were no sky marshals. In fact, a sky marshal happened to be aboard one of the twenty-seven airliners that was commandeered that year, but he took no action for fear of endangering the life of a hostage. Psychologically,

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sky marshals may deter some would-be air criminals, but the administration now admits that this program is not the answer to the problem and has cut it back and transferred some sky marshals to ground-security positions.

The Israeli airline El Al, it should be noted, has made much bolder use of agents riding shotgun as well as other in-flight security measures. El Al flight crews are secured in their cockpits behind a bulletproof door that cannot be opened unless the plane is on the ground. On several occasions, when the skyjack alarm has been sounded, El Al pilots have thrown their planes into a sharp dive or a roll in order to knock the skyjacker off balance, and security agents have shot the criminal, using special low-muzzle-velocity pistols that will kill a man but are not supposed to penetrate his body and thus endanger others. The risks of such tactics, however, are obvious, and most American authorities on the subject believe that while such risks may be justifiable for Israel, which is engaged in a war of survival, they are not acceptable on American airliners.

Even the use of agents to shoot out the tires of a skyjacked plane that has landed to receive ransom money is out of fashion in the United States. The practice was successfully employed in the previously mentioned case in El Paso, but it is regarded as too dangerous today. The only really safe inflight security measure that has been put into effect in the United States thus far is the sealing of the rear doors of most Boeing 727s so as to prevent further attempts at parachuting.

Second, what about a universally accepted international treaty providing for the punishment or prompt extradition of all air pirates? The recent strike by the International Federation of Air Line Pilots Associations was an effort to call attention to this method of dealing with the crime. Certainly, a treaty much tougher than the rather meaningless resolution "condemning" air piracy adopted by the U.N. General Assembly in June would be helpful. Still, such pacts would be of doubtful reliability between nations in a state of war—such as Israel and the Arab states—or between countries with serious political differences—such as Cuba and the United States.

Third and last, what about preventing would-be skyjackers from bringing weapons aboard the aircraft they plan to seize? The U.S. Federal Aviation Administration believes that this is the best method of dealing with the problem. As General Davis explains it, the FAA has come up with two recommendations. The agency would have all 500 airports in the United States that service commercial airliners adopt strict security measures that would prevent unauthorized persons from approaching parked aircraft. Also, the FAA has been urging each airline to screen all passengers by watching for telltale behavioral traits and to check for weapons with the use of a magnetometer gate, which detects metallic objects.

While it is commendable that the FAA recognizes that the way to stop skyjacking is to prevent it by searching and disarming passengers on the ground, the precautions urged by the agency have proved woefully inadequate. The airlines are still not *compelled by law* to search passengers and their luggage—witness the striking number of recent skyjackings that could easily have been prevented by

The handling of mail in the White House shows how effective inspection can be when taken seriously.

routine searches. Yet even if merely routine search procedures were consistently practiced by all the airlines, it would not take great ingenuity to get around them. John D. Ehrlichman, a special assistant to President Nixon, stated, and perhaps overstated, the point in a recent press conference on skyjacking. "The mind of man," he said, "is sufficiently ingenious to defy the perfection of inspection." However, Mr. Ehrlichman might have done well to consider the manner in which White House mail is processed across the street from where he works. There he would see how effective inspection can be when the matter is taken with the utmost seriousness. Because of the very prevalent danger created by the fact that disturbed persons occasionally send a bomb or other harmful devices to the President through the mails, White House mail is processed with very special care indeed. To begin with, the President's mail is delivered four times a day, not to the White House itself but to the Executive Office Building just across West Executive Avenue. All letters and parcels are first processed in what is known as the Reception and Security Unit, which was not unmindfully moved in 1965 to this farthest-away-from-the-White-House corner of the building, for it is here that potentially dangerous letters and packages are infallibly intercepted. The various pieces of mail are slid in mail sacks into the unit under a counter, where they come within range of a radiation detector. All packages are then photographed to make a record of them in case any should explode, catch fire, or begin to dissolve slowly as has happened on occasion. The bulky letters and packages are then moved into a specially designed chamber that looks like a hospital X-ray room. Measuring nine by fourteen feet, the room is walled with quarter-inch armor plate. After all pieces of mail have been arranged along an X-ray table, a sliding steel door is rolled shut and, from outside, a technician remotely manipulates the table back and forth under two X-ray machines and observes their contents on two twelve-inch Westinghouse fluoroscopic screens that look like TV sets. The operator is trained to recognize all types of explosive devices, ranging from a canister of TNT to the latest plastic explosives. If he sees anything suspicious, which happens with a frequency that the personnel who run the unit would rather not discuss, the Secret Service is summoned and explosives technicians arrive in a bomb-removal truck to cart the suspicious object away and later examine it. This operation, which has been functioning since March 1965, is doubtless expensive but is also 100 per cent effective. No one has yet been able to blackmail the President of the United States by planting a bomb in the White House—despite the fact that some forty or fifty thousand pieces of mail arrive there every week. Something like this inspection unit in every airline terminal, if used consistently for passenger baggage in conjunction with an equally rigorous frisking of all passengers, would surely reduce the problem of skyjacking to an absolute minimum. It would be costly. But it would deal with the problem.

Indeed, Eastern Airlines is currently testing at New York's La Guardia Airport an inspection system very similar to that used in the White House mail room. Called the Norelco Saferay Detection System, this equipment employs an X-ray camera to screen the contents of carry-on baggage.

The question that remains is, Are the people of the United States, acting through their elected representatives, willing to spend the money to guarantee the security of the airways? We have been remarkably fortunate thus far. After more than 150 skyjackings over the last eleven years, only a relative handful of persons have lost their lives or been seriously injured. We have yet to experience a major calamity in which one of those "bombs" actually explodes in midair and brings 300 or more innocent travelers crashing to their deaths. Are we now willing to pay the bill that we know is due? Or are we going to go on living with our heads in the clouds? □

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The Potential of Normality

BY JOYCE CAROL OATES

THE FARTHER REACHES OF HUMAN NATURE
by Abraham H. Maslow
Viking/Esalen, 423 pp., $12.50

It will come as a stunning surprise to most people—and to artists, geniuses, and saints especially—that "artists," "geniuses," and "saints" are as natural, as normal, as much a result of human instincts as are murderers and vandals and the enormous army of the sorrowful that make up so much of America today. To be told that Nietzsche may have been right—that "man is something that must be overcome"—and to have it backed up by empirical and demonstrable proof is so startling that few people will grasp it, let alone accept it. But it is becoming dramatically clear that we are in the midst of a revolution of some kind, and it will do no good to reject it, to stand clear of it, or to claim that it is imaginary.

If Nietzsche is the invisible prophet behind this revolution in consciousness, the late Abraham H. Maslow was and, through his writings, is the very visible, very articulate, very American spokesman for it—a psychologist, a teacher (he chaired the Department of Psychology at Brandeis University), a tough-minded philosopher whose books give us the vocabulary for a new assessment of the world. Like most geniuses, Maslow is humble, so conscious of his "self" as absorbed in a timeless tradition of "selves" that he transcends the merely personal, the parochial, the self-limiting squabbles that characterize many of today's "schools of thought" or "spokesmen for the coming revolution." It is not very helpful to say that Maslow is a Freudian psychologist, one who has built upon Freud's enormous re-evaluation of the world, or that he is a behavioral psychologist who has grown up, or that he is a philosopher of science, a theoretician whose method is never to invoke anything beyond the human. He includes everything in himself, immensely eclectic and spontaneous, a thinker in the tradition of Hegel: that is, a man who accepts as his role in human history the task of synthesizing almost all dichotomies, conflicting visions of the world and of human nature.

When Blake says, "The desire of Man being Infinite, the possession is Infinite & himself Infinite," or when Nietzsche insists that man must "become" what he already is, or—to be more topical—when such a controversial thinker as R. D. Laing insists that the "mystical" experience is available in ordinary experience, the reaction of the average person even or especially the average intelligent person is to read no further. But Maslow, in his numerous books and in this collection of his essays (his first posthumous publication), does not speak poetically or idiosyncratically, and it is difficult to imagine anyone not reading straight through *The Farther Reaches of Human Nature* with that excited delight that comes only a few times in one's life, the hope and eventually the certainty that *here* is a truly remarkable voice, a voice that has not been heard before.

If pressed to distill Maslow's thinking, to make it as clear as possible, I would say that he has rerouted the downward, inward, deathly movement of consciousness in our time (in the West, anyway) and made available to us a scientific and demonstrable structure to support the beliefs most people already have, somewhat apologetically believing them to be the products of primitive wishes or inverted aggression: the ideals of the great religions, the nearly exhausted platitudes of nations. He has not exactly stood on its head the traditional concept of the "normal" and the "abnormal," an act of violence in itself that other spokesmen for the newer consciousness are recklessly performing; he has, instead, offered to show how the concept of normality must be redefined in terms of the highest of human achievements —the "farther reaches of human nature," and not the "nearer," the "average," the "ordinary."

It is a revelation to be told that the ostensibly abnormal among us, saints as well as artists and geniuses, are in fact *normal*, that the Freudian model of a human psychology that tended to interpret extraordinary behavior as the manifestation of deep-seated neuroses or disorder is mistaken. For, if the Freudian model of the "normal" is accepted, as it has been, consciously or unconsciously, by nearly everyone, then the individuals who fall outside that category, whether they happen to be mass murderers or Dostoevsky, must be diagnosed as sick, as unnormal, as somehow freakish. In this scheme there is a central area inhabited presumably by most people (the statistical "average") who are good citizens or who are at least silent about their eccentricities. Outside this area is the pathological: shadowy, exciting, sinister, wild, crazy, unclassifiable except as different. For Freud the Unconscious, the id, is generally an ungovernable and dangerous area, a place of nightmares or nightmarish possibilities, and those who enter it even to give a shape to it are risking sanity. For Maslow, however, the Unconscious is the source of our higher energies, a sacred reservoir of the self that can be, at times, unhealthy, but that in the end must be recognized as life giving and essentially beneficial to man.

Joyce Carol Oates's latest book is *The Edge of Impossibility*, a collection of critical essays. A book of short stories, *Marriages and Infidelities*, will appear in September.

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The saint, then, is simply a normal human being who has grown beyond the rest of us. But he is "beyond" the rest of us only in the sense that he has been able to satisfy his instincts for sainthood, for what Maslow calls "specieshood," while the rest of us are held back—because of an unhealthy environment, or an unhealthy misuse of natural energies and instincts, or, what may be very commonplace, a fear of exploring "farther" reaches, since we have been told all our lives how dangerous, crazy, Faustian, or simply impractical such exploration might be. While accepting the deterministic facts of life on lower levels (especially the biological), Maslow insists upon the basic freedom of man's will. But it is a freedom that becomes possible only after other needs, other demands of the species have been satisfied: This makes all the difference indeed, setting Maslow apart from the self-righteous flippancy of those who exhort the weak to "be" strong, to "be" virtuous, and from the grim determinists who insist that we are all programed, conditioned, and predictable. Maslow's work constitutes a heroic synthesis of preceding psychological theories of human nature.

This liberates us not only from the old terrors of rising above the "normal" multitude but from the newer, more fashionable infatuation with the energies of destruction. Most contemporary writers, if they bother to explore the human condition at all, concentrate upon the paradox that the unnormal are more interesting, more exciting, because they seem to be asserting their own energies in opposition to all restraints—as Mailer says, only a few individuals, "among them psychopaths," are able to remain independent of the anonymous prevailing forces of a great corporate state. Naturally, one must be "psychopathic," almost by definition, to move individually through a crowd that seems headed in the other direction. But what if the criminal, so long glorified in contemporary fiction and popular entertainment, is diagnosed as an individual whose instincts for self-transcendence have simply been stunted, an individual who is basically bored, played out, exhausted, and not possessed of an enviable energy after all? Nietzsche says of the criminal that he is "a strong man made weak," and Maslow shows that this is correct.

The Farther Reaches of Human Nature gives us the outline, then, for a conscious reconstruction of values. It is Maslow's belief that man wills his own future, that the "future" is in his being as powerfully as the past. If this assumption is correct, then it is possible for that controversial (indeed, confused) vision of America's "greening" to become reality after all.

But the delight of Maslow's writing is Maslow's voice itself. The best introduction to Maslow is any representative remark, any stereotype-breaking paragraph:

> I am convinced that the value-free, value-neutral, value-avoiding model of science that we inherited from physics, chemistry, and astronomy, where it was necessary and desirable to keep the data clean and also to keep the church out of scientific affairs, is quite unsuitable for the scientific study of life.
>
> I must reassert that we have come to the point in biological history where we now are responsible for our own evolution. We have become self-evolvers. Evolution means selecting and therefore choosing and deciding, and this means valuing.
>
> The value-life (spiritual, religious, philosophical, etc.) is an aspect of human biology and is on the same continuum with the "lower" animal life (rather than being in separated, dichotomized, or mutually exclusive realms). It is probably therefore specieswide and supracultural, even though it must be actualized by culture in order to exist.
>
> If there is no adult value system (i.e., if parents cannot or will not prescribe modes of behavior, if the father wants to be a "pal" to his children, etc.), then a child or adolescent value system will be embraced. Juvenile delinquency (so called) is an example of such a . . . system.
>
> The antagonism between the sexes is largely a projection of the unconscious struggle *within* the person, between his or her masculine and feminine components.
>
> Facts create oughts!

Maslow exhibits a fascinating combination of humility and self-confidence, of a faithfulness to the plodding, minute, rigorous methods of science and the sudden, unchartable leap, the inexplicable insight, of the artist. He speaks, always, in his own voice, outlining for his readers not only his discoveries and his pathways to those discoveries but also the initial, personal reasons for his having made his iconoclastic explorations. The result is a kind of autobiographical sequence of experience, never far from Maslow as a living, existing, socially concerned human being.

It is immensely revealing, for instance, to learn that Maslow's entire research in what he calls "humanistic biology" sprang from his love and admiration for two of his teachers, Ruth Benedict and Max Wertheimer. "I could not be content simply to adore," Maslow says, "but sought to understand why these two people were so different from the run-of-the-mill people in the world." While most psychologists are fascinated with disease, with the malfunctioning human being (indeed, one has to be "sick" in order to interest such people), Maslow's highly energetic curiosity was whetted by the more-than-ordinary. Since his training in orthodox psychology did not equip him for understanding these teachers of his, he had to start inventing his own "psychology," his own vocabulary, using behavioral and Freudian and Adlerian methods as far as they would take him, then building upon them (*not* rejecting them), until decades later he arrives at his "Theory Z," in which he attempts nothing less than an analysis of the transcending individual. What began as a young intellectual's fascination with two persons who were both geniuses and excellent human beings ended with a mature, highly confident scientist's explorations into the area

Abraham H. Maslow—"The ostensibly abnormal among us . . . are in fact 'normal.' "

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that has traditionally been considered mystical—"mystical," hence not "scientific."

There is so much in *The Farther Reaches of Human Nature* that it is hard to do justice to it, or even, for that matter, to the challenge of Maslow's amazingly fertile mind; his combining of teacher, seer, reporter, physician, visionary, social planner, critic; his ambition in tying together all varieties of apparently unrelated phenomena; his unstoppable optimism. Maslow's lifelong emphasis on the importance of man's subjective life leads us again to the realization (so clear in imaginative literature, so muddled elsewhere) that it is here, in the soul, inside the fantastically complex phenomenon of man, that the salvation of the entire world will take place. Maslow comes at a time when he is most needed, when the cry for "Revolution" is either hysterical or enfeebled, murderous or stereotyped and banal, in any case impotent.

The essays that make up *The Farther Reaches of Human Nature* were selected in 1969 by Maslow himself. After his death (of a heart attack) in June 1970, the book was edited without many revisions and includes a useful general introduction to Maslow's work by Henry Geiger. Papers are included on such subjects as "Health and Pathology," "Creativeness," "Education," "Transcendence and the Psychology of Being," "Some Parallels Between Sexual and Dominance Behavior of Infrahuman Primates and the Fantasies of Patients in Psychotherapy"—the last-named being worth the price of the entire book. In addition to *The Farther Reaches of Human Nature*, these earlier works of Maslow's are highly recommended: *Toward a Psychology of Being, Eupsychian Management, Religions, Values, and Peak-Experiences*, and *Motivation and Personality*. □

FREE AND FEMALE: The Sex Life of the Contemporary Woman
by Barbara Seaman
Coward, McCann & Geoghegan, 288 pp., $6.95

THE NATURE AND EVOLUTION OF FEMALE SEXUALITY
by Mary Jane Sherfey, M.D.
Random House, 188 pp., $5.95

Reviewed by Caroline Bird

A sexy man is a man who wants a lot of orgasms. A sexy woman, on the other hand, is a woman who looks ready to give them to him. Of course, she can have orgasms of her own, and, especially these days, a decent man keeps her in mind. But when all is said and done, her deepest satisfaction comes from his.

This, at least, is the way it is in the "marriage" manuals, including best-selling, everything-you've-always-wanted-to-know-about-sex Dr. Reuben. Autonomous, "masculine" women—the aggressive sort sometimes billed as "sexless bitches"—have long suspected that they were having more orgasms than the "feminine," sexy-looking women pictured in pinups. Kinsey confirmed the superior sexual response of educated, professional, "masculine" women, but nobody knew what to do with that information. Back in the 1950s it was just another embarrassing fact of life that didn't fit the prevailing theory.

Actually, of course, there wasn't any good theory of female sexuality. Freud taught that females who had their orgasms in the clitoris were infantile; normal women had them in the vagina. But he confessed himself mystified, and with good reason. In the absence of laboratory study, physiologists had to go by their own personal experiences with women, plus their theories of what women were, or ought to be, like. And since most of these physiologists and psychologists were men, all reared to believe that the sexuality of women was designed to satisfy the lusts of men, à la Reuben, their accounts of the sexual responses of women were about as scientific as the anatomy taught by medieval schoolmen who wouldn't go near a cadaver.

We're ready to do better. Masters and Johnson have made color movies of human sexual intercourse. The women's liberation movement has challenged the notion that women exist for men. More importantly, the movement has raised the consciousness of women psychiatrists and scientists to the male bias in the anatomy they were taught in school.

The first theory based on these revolutions is at hand, and it displaces males as the prime movers in sexuality the way Copernicus displaced the planet Earth. Women are naturally sexier than men—under normal circumstances, actually insatiable. Nymphomania should be redefined, not as a pathology, but as the normal, primitive state of woman. Two quite different liberated women bear the news.

Caroline Bird is the author of *The Invisible Scar*, *Born Female*, and, most recently, *The Crowding Syndrome: Learning to Live with Too Much and Too Many*.

Barbara Seaman is a medical reporter (*The Doctor's Case Against the Pill*). Her book is the easier of the two to read. In *Free and Female* she explains that women have more "sexy tissue" than men, but that it's been ignored because it's hidden. "The external clitoris is merely the tip of the iceberg or (more accurately) the volcano." And, unlike in males, sexual experience increases the volume of sexually responsive tissue, so that "the more a woman does, the more she can, and the more she can, the more she wants to," No wonder men fear nymphomaniacs!

Dr. Mary Jane Sherfey is a practicing New York psychiatrist. Her book, *The Nature and Evolution of Female Sexuality*, is the first installment of a comprehensive theory that will account for new and neglected old data on the physiology, psychology, evolution, and anthropology of the female sexual response. Noting that premenstrual tension, year-round mating, and orgasm appear to be exclusive to human females, she intends to spend what can only be the rest of her life showing "that these three uniquely human characteristics are related to each other and are the result of the evolution of man from the quadrupedal to the bipedal posture, and with the development of man's other unique characteristics, resulted in the human mating system."

Dr. Sherfey got started on her quest by reading up on premenstrual tension. This led to her questioning why menstrual periods at all, and from there into the contradictory and uncharted literature on human female sexuality in general. She found the record littered with evidence that male researchers had cast aside. One was the endocrinological evidence that the Book of Genesis had it the wrong way around: Adam was created out of Eve. According to the "male inductor theory" promulgated in 1957 and since ignored, embryos all start out female and become male only by the addition of male hormones. The penis is merely an androgenized clitoris.

Another discovery was the report by Masters and Johnson on the clitoris. "It was truly a Eureka experience for me," Dr. Sherfey writes. "This is it! Freud was wrong. Men were wrong. Women were wrong. Common sense was wrong. There was no such thing as the vaginal orgasm as heretofore conceived. Now the way was open. I went home and started writing that night."

An editor of *Family Circle* and wife of a psychiatrist, Barbara Seaman ap-

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plies the new insights to the sex life of women here and now. One service she performs is to correct the masculinist errors in physiology that Dr. Reuben's books are spreading, among them the supposed signs by which a man can tell whether a woman has, in fact, had an orgasm. "Have Mrs. Reuben and all those $125-an-hour patients been putting Dr. Reuben on?" she asks. "That man is bad on nipples and clitorises."

Her interviews with 100 "sensuous women" show just how far we have to go to give women their sexual due. Her subjects were a privileged group. Most were feminists. Many were sophisticated journalists or psychiatrists. A majority were unmarried and free to shop for partners or at least to demand equal treatment in bed. Only six had difficulty reaching orgasms; over half had orgasms without direct clitoral stimulation, and "one in six . . . from breast stimulation alone (including nursing a baby), kissing, books, paintings, mental fantasies, and, in one case each, natural childbirth, and watching animals copulate."

How did they fare?

As various as these women were in their tastes and proclivities, their complaints about men were depressingly repetitive. Men make love as if they are following a program. . . . They are humorless. . . . They are too fast. . . . They are cruel to women who require finger stimulation, making them feel this is a loathsome aberration. . . . They are interested in the "target" organs only, and they fail to appreciate the total body sensuality of women. . . . And above all, they ignore the woman's statements about what she likes. . . .

Of the many evils suggested by this picture, one that sticks in mind is covered in a Seaman footnote. Venous engorgement of the huge "sexy tissue" hidden behind the clitoris persists for hours if arousal is not resolved by orgasm. According to Masters and Johnson, it can give a woman cramps and headaches.

We know that although women resist major diseases and death itself better than men do, they suffer more minor ailments. Males sometimes snicker that there is nothing wrong with a complaining woman that couldn't be cured by a good roll in the hay, and maybe they are right. If so, whose fault is it? His or hers? □

FRASER YOUNG LITERARY CRYPT NO. 1521

A cryptogram is writing in cipher. Every letter is part of a code that remains constant throughout the puzzle. Answer No. 1521 will be found in the next issue.

CTFQF LJ DR YQFGCFQ TG-
CQFM LD CTF ARQSM CTGD
CTF TGCQFM RU LYDRQGD-
VF URQ XDRASFMYF.

YGSLSFR

Answer to Literary Crypt No. 1520

Democracy means government by the uneducated, while aristocracy means government by the badly educated.

Chesterton

SOLUTION OF LAST WEEK'S KINGSLEY DOUBLE-CROSTIC (No. 2002)

ART HOPPE:
WE'RE ALL ON WELFARE

The government doesn't really give a hoot about my welfare. Oh, the Surgeon General told me if I kept on smoking, I'd kill myself. But that was years ago. And what's the government done since to get me to quit? If it can keep me from smoking pot, surely it can keep me from smoking lethal cigarettes.

I COME AS A THIEF
by Louis Auchincloss
Houghton Mifflin, 231 pp., $6.95

Reviewed by Joseph Kanon

This staggeringly silly novel is Louis Auchincloss's twenty-first published book and ought to put a stop, once and for all, to those rumors that surface periodically about his being hearth keeper of the manners-and-morals tradition. He has merely appropriated its drawing rooms.

Consider the story: Tony Lowder, promising politician and recent appointee to the New York regional

Joseph Kanon is associate books editor of *SR*.

Louis Auchincloss

office of the SEC, accepts a bribe to protect a failing firm from investigation. Why? He needs the money; his too-devoted partner, Max, is hysterical ("'This goddam recession!' he cried. 'Nixon ought to be impeached.'"); and the fact that the bribe is coming from the Mafia—which provides the book with some unintended hilarity—satisfies his fanciful sense of adventure. Meanwhile, his wife, Lee, worships him but feels unfulfilled, his twelve-year-old son spouts law and order and wants something done about welfare mothers, and his mistress, Joan, is rich as Croesus but dying of cancer.

All goes well until Tony experiences a guilt crisis at a Long Island dinner party (during which he and Joan talk about God and heaven) and decides to confess all to the DA. That, of course, proves inconvenient for everybody. To save his skin, Max confesses first and gets an informant's dispensation; Lee packs up the kids and goes home to her parents; Tony's career is ruined by public scandal. There then follows some hooha about motivation, guilt, and self-destruction before Tony is finally sentenced to a year in jail. And in the end, all the strings are tidied up: Joan dies, leaving her Louis XIII interiors behind her; Max goes to Panama City to work in a liquor store and perhaps dally on the beach with Panamanian boys; and Lee comes back with the children. The reconciliation scene, in fact, is not to be missed: "'Try to love me.' 'But you're a monster!' 'Try to love a monster, then.' '*Can* one?' 'Please, Lee. I suddenly feel absolutely pooped. I guess I can't take any more of this.'"

And, indeed, who could? Does it matter, after all this, that the book is relentlessly superficial or that the characters have no more life than a connect-the-dots puzzle or that the language has the elegance of an over-reaching governess? ("Mafiosan family" is a special favorite.) Probably not, for Mr. Auchincloss is no longer even writing the fantasies of the upper-middle

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class—he has taken on their soap operas, and such stuff works on a level beyond argument. At least he makes no demands, his story is sprinkled with interior-decorating touches, and his publisher doesn't embarrass his readers with a lurid jacket. But it is a sobering thought that our melodrama has come to this. By comparison, old Joan Crawford movies are epics. Epics. □

Mysteries in Review

ON THE DOCKET

BY O. L. BAILEY

That singular Dutch policeman, Inspector Van der Valk, is now ten years old! In 1962 his creator, Nicholas Freeling, introduced him in the superb and beguiling adventure, *Love in Amsterdam*, and it wasn't long before the most diehard of Inspector Maigret fans were willing to let Van der Valk share at least some of the honors. From the beginning, Van der Valk, like Maigret, displayed a concern for the role that character plays in crime, and he pursued unorthodox solutions. *Criminal Conversation*, one of Freeling's best, had Van der Valk stalking a virtually uncatchable killer through an intriguing psychological game of nerves.

While the tenth in the Van der Valk series may not be Freeling's best, *Auprès de Ma Blonde* (Harper & Row, $5.95) is destined to be the most memorable: It is Van der Valk's swan song.

There he is, kicked upstairs to a quiet desk job to work out his days until retirement. But he's still the maverick of the Amsterdam police force, and his mind is too restless for paper work alone. A seemingly minor incident sets him off on a personal investigation that becomes—yes, he is killed in the middle of it—his last case.

The end? No, just the beginning. Freeling steps in to tell us about the actual man after whom he modeled Van der Valk. We have not recovered from the shock of the inspector's demise, but at least our suspicions have been confirmed: Van der Valk, under another name, did in fact exist. And, Freeling tells us, so did his attractive, intelligent wife, Arlette, who is determined to investigate her husband's death and bring those responsible to justice—which she does.

Freeling fans will inevitably speculate as to whether Arlette will carry on the series. Whatever. Few detective novels pay as much attention to the milieu in which the detective plies his trade. Freeling has given us a picture of a part of postwar Europe that puts his work in a class by itself. If this is your introduction to Van der Valk, *Auprès de Ma Blonde* will make you want to read the previous nine; and if you are an old friend, you will want to reread them.

Shaft, the black shamus with cool and charisma, is back. And author Ernest Tidyman, whose initial Shaft adventure was made into a swinging film, taxes all of his superhero's ingenuity in his not-to-be-missed *Shaft Among the Jews* (Dial, $5.95). In this case, the screenplay—the movie has already been released—preceded the book. But no matter; there is really nothing sacred about order of composition. Or, if there is, *Shaft Among the Jews* is one of those proverbial exceptions.

Shaft thinks he is hallucinating when, while innocently wondering what time to have his fast-breaking drink and/or broad, he first encounters "the seven men." They look like a posse of cowboys, Jewish cowboys to be sure. Dressed to the nines in beards and basic black, they constitute a committee of diamond merchants who want him to get to the bottom of a scandal that is threatening to ruin the diamond industry. Their pleas are discounted, but their money is not. The result: Shaft takes the assignment.

Disguised as a janitor, he penetrates the inner world of crafty jewelers who cater to equally crafty millionaires. As the adventure spins forward, Shaft finds himself, one black diamond in the rough, surrounded by Israeli secret agents. As if that weren't enough, his perpetual nemesis, Lt. John Anderozzi of the NYPD, reappears to resume his bugging. Tidyman's talent keeps it all within the bounds of good taste, and the denouement demonstrates conclusively that you can't tell a crook by his cover.

The Lingala Code, a first novel by Warren Kiefer (Random House, $5.95), is a sinewy, stinging spy story set in the steaming Belgian Congo of the Sixties. Its narrator is Michel Ryan—French scholar, ex-fighter pilot, and now the CIA's number-one snoop operating out of Leopoldville's American Embassy. It's an unenviable position in a perilous environment that grows even more so when the U.S. air attaché to the Congo (who also happens to be Michel's best friend) is murdered under very suspicious circumstances. The pursuit of his friend's killer leads Michel to the top of some very high ladders. The repercussions of his discoveries register all the way from the seedy edges of the shabby underbelly of Congo politics to Washington's

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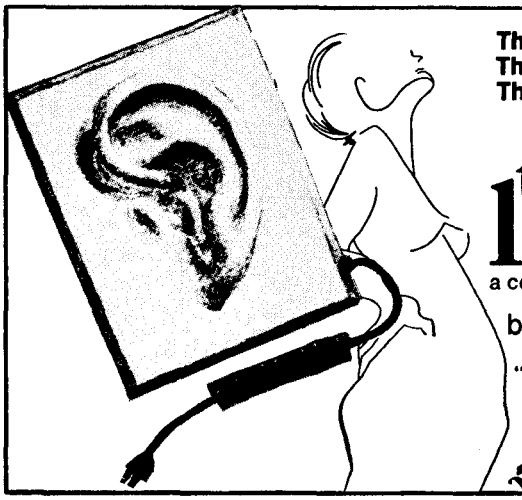

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Foggy Bottom and its Kremlin counterpart. Kiefer is a comer whose most rare gift is the truly surprising ending twist.

Night World by Robert Bloch (Simon & Schuster, $4.95) is an arresting little thriller. There is a psychopathic killer on the loose, a populace alarmed, a police force methodically pursuing its schizoid role of detection and protection, and the wife of a mental patient snared in a web of love, fear, and uncertainty. These are the elements that unsettlingly juxtapose the sane and the psychopathic.

The writing is taut, never deviating from the classic concept that the shortest distance between two points is a straight plot line. *Night World* is a fast read. Bloch, the author of *Psycho,* demonstrates a commanding display of sensitivity to the variety of language and life-styles and the social heterogeneity that typify the Los Angeles scene.

Stanley Ellin is one of the most prolific and prize-winning of our mystery writers. His latest, *Mirror, Mirror, on the Wall* (Random House, $5.95), is an eerie excursion into psychopathic crime, a horrific account of victim and violator.

A strange body is discovered in an apartment. The finder is vaguely uneasy, suspecting that the body might be linked to his past. If so, how? Interrogators prod his mind and bridge the gap between present and past, inner self and outer world. The novelist's technique parallels that of the pyschoanalyst, constructing a coherent pattern from detached, seemingly unconnected flashbacks that build to a shocking and disturbing climax. Whatever solution you might conjure up, Ellin's mirror yields the scariest of them all.

The publisher has tied the last twenty pages of the book with a paper band. If you leave the band intact, you are promised your money back. It's a clever ploy, but there should be few takers. There is no backing off; pernicious pyrotechnics such as Ellin presents penetrate the very marrow of your being.

John Dickson Carr, master of the arcane, adds to his repertoire the "Victorian Detective Novel" with *The Hungry Goblin* (Harper & Row, $6.95). Once again, Carr, justly famous for his locked-room mysteries, gives us one that is seemingly insoluble—except upon hindsight when, of course, the solution becomes almost obvious.

Set in London a century ago, Carr ornaments the tale with an erudite and entertaining excursion through the life-styles, conceits, and concerns of the time. The story involves a switch in roles of two beautiful women possessing identical physical, social, and intellectual characteristics. Wilkie Collins, whose *The Moonstone* was the first detective novel written in English, is introduced as an actual character in the book and a key volunteer in aiding the police to solve a thorny case of attempted murder. (Mystery buffs will appreciate the fact that Collins's novel, *The Woman in White,* was built on a similar plot.) The atmosphere is rich the authenticity convincing, and Carr' stylistic and storytelling skills are quit up to snuff.

Ellery Queen's Mystery Bag (World $6.95) has arrived again. This twenty seventh annual compilation of shor stories culled from Queen's myster magazine is a very mixed and unevei bag. Two short stories, however, *ar* outstanding, and both are reminiscen of the wonderful Roald Dahl stories The first, *A Specialist in Still Lifes* b Carole Rosenthal, is a shivery stud in fantasy and deception set in a placi and proper art gallery. The second, *Th Beauty in That House* by Florence V Mayberry, is about a doomed *ménag à quatre* and is absolutely strange the author has an offbeat view of lif that stamps her an original. Altogethe not vintage Queen, but it has enoug flavor to justify a sampling. □

ABOUT TELEVISION
by Martin Mayer
Harper & Row, 433 pp., $10

Reviewed by Richard D. Heffner

"What is surprising about the trivialit of the literature of television is the mis match with the obvious importance o the subject," Martin Mayer observe on the very first page of his readabl new volume, *About Television.* Ur fortunately, this popular interprete could repeat it as accurately on hi last page, for, while he writes ente tainingly and well, he has not don justice to the medium.

No one else has either, to be sure and Mayer brings to television a bette more discerning mind, a sharper wi and surely a more delightful style tha have characterized other efforts. Bu he hasn't written a definitive study, no even a particularly significant one. An perhaps, to close the circle, one mus turn to Mayer's own very last words "The important criticism of televisio is that its leaders have not sought fo tragedy or triumph in invention an artifice. They don't do the best the can." Neither does he.

Moreover, what finer moments *Abou Television* has—and it has many—ar peculiarly disjointed, a flaw particu larly evident to the former practitione for whom the medium is much mor of a piece, for whom there is in realit

Richard D. Heffner has been an executiv with NBC, CBS, and public broadcastin in New York. He is now university profes sor of communications and public polic at Rutgers, the State University of Nev Jersey.

Your Literary I.Q.

Conducted by David M. Glixon

TITLES HOMONYMOUS

Each of these literary works has the same title as another of the works described below (with perhaps the difference of an article). In Column 2 are the pairs of authors who used the same title. Stuart Lewis of Boulder, Colorado, wants you to match each work with its author and to write down the six titles (before peeking at the answers on page 67).

1. An epic poem based on early biblical events ( )
2. A novel about Anglo-Asiatic relationships ( )
3. A poem in which a man alone in winter prays ( )
4. A play about middle-class life in the 1930s ( )
5. A novel about an American girl's romance and disillusionment in Europe ( )
6. A poem that celebrates the welding of cultures and their apotheosis in America ( )
7. A play about jealousy in a Sicilian family ( )
8. A novel about a science student who puts his discovery to criminal uses ( )
9. A book of poems by a southern novelist ( )
10. A novel about a youth's progress from affirmation to a sense of total rejection ( )
11. A novel describing Americans involved with art and murder in Italy ( )
12. A poem in which a couple converse at tea ( )

a. T. S. Eliot &
b. Henry James
c. Ralph Ellison &
d. H. G. Wells
e. Faulkner &
f. Hawthorne
g. E. M. Forster &
h. Walt Whitman
i. Milton &
j. Odets
k. Dylan Thomas &
l. Shakespeare

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a discernible flow or connection between the seemingly disparate parts of the medium, a flow that seems largely to escape the author. Mayer pays his respects to Merrill Panitt, Robert Kotlowitz, John Fischer, and other distinguished print editors who were wise enough over the years to assign him articles on many of the subjects dealt with here. But it is television that is, or at least should be, the subject of this book—not television-and-news in one chapter-article, television-and-sports in another, television-and-children in a third, and so on. There is an episodic quality to the book that belies a real sense for the continuity of the medium itself. Articles are fine in their place, but at least in this place they have not been—could not be—molded into a book that has the unity of purpose and insight that an understanding of television demands.

Someday someone who has Mayer's skill and perception will "put it all together," making description and analysis of the medium move together as continuously and as meaningfully as its electronic impulses do. But the inadequacies of *About Television* suggest that the one who ultimately does write about television in the way both it and we deserve will come from inside, not from outside, the medium.

More sophisticated and rational by far than so many of American television's rabid critics, Mayer accepts the scientific basis for the sampling procedures necessary for the broadcasting industry to estimate what parts of the large universe of its audience are actually watching. He is appropriately critical of the numbers sleight of hand that too frequently marred early efforts to count viewers, and he takes us through some of the unsavory background of the ratings game. But he doesn't let the inadequacies or inequities of past—or present—audience-measurement techniques blind him to an appreciation of the fact that someone out there is watching. A great many someones, in fact. Those who speak grandly of huge segments of the national audience turning away from the medium are largely misinformed or are indulging in wishful thinking.

Indeed, a no-nonsense realism is probably Mayer's most delightful characteristic, and it surfaces more frequently than one might expect in an adversary age when the medium is the victim of so many irrational onslaughts from critics frustrated by its seeming omnipotence and their seeming powerlessness. Many distinguished broadcasting people helped the author in his research, but one who knows the cast of characters must shudder when Mayer mentions some of the industry hacks who were "graciously" the source of (presumably) accurate information about the history of the medium. Nevertheless, one also senses that the author has been neither bought nor even sold by television's public relations minions in his friendly recognition that the broadcaster isn't simply talking to, or appreciated by, himself and his friends alone. Television continues to build its huge audiences everywhere, Mayer recognizes, because it continues to provide them with a quantity of pleasure "greater than the quantity ascribable to any other facet of their lives. Perhaps this should not be so, but it is; and anyone who approaches this phenomenon with the notion that most people don't like what television offers them will never begin to understand the subject."

Well-intentioned programs too frequently have comparatively small audiences; they are considered failures. Nonintentioned programs that appeal at best to our instincts for the light, the frivolous, the diverting frequently have massive, loyal audiences; they are considered successes. Nor is this true only of the United States, with its predominantly commercial system of broadcasting, where audiences are translated into ratings and ratings translated directly into dollars, and where almost every effort is made almost all the time to produce the lowest common denominator of television programing that will attract the largest possible audiences.

It is true elsewhere, too. With the aid of some of its friends (high-rated American imports), BBC maintains a generally "higher" level of "better" programs than do its commercial American cousins. But when its ratings begin to go down and its license-fee subsidy needs to go up, then BBC has been known to compete for audiences with its commercial rivals in the United Kingdom in a way that would gladden the competitive hearts of our own ABC, CBS, and NBC. Nor is it only when the dollar (in earnings or subsidies) is at stake that broadcasters almost everywhere set aside their "better" programs and appeal to larger audiences with trivia. Increasingly, broadcasters everywhere on a more and more egalitarian, majoritarian planet seem to sense an almost mystical kind of living connection between themselves and the millions and millions who make up their audience (the voice of the people is the voice of God!). Increasingly, their sense of their mission is to serve that audience by mirroring

WIT TWISTER NO. 286

Edited by ARTHUR SWAN

The object of the game is to complete the poem by thinking of one word whose letters, when rearranged, will yield the appropriate word for each series of blanks. Each dash within a blank corresponds to a letter of the word.

Our — — — — — men suggest the ways of peace.

Our standing army — — — — — itself for war,

To give the nation's — — — — — swift release

When Wisdom's voice is credited no more.

A. S.

(Answer on page 66)

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The SECRET History of America's First Central Intelligence Agency

R. Harris Smith

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—Thomas Braden

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its wants, its desires, its felt and expressed needs. The people watch and vote, they cast their ballots, and the medium's supposed absolute rulers respond in kind, respond to the voice of the people. Here is an economy of feelings and emotions, not of dollars alone. Not to appreciate that is not to know the most formidable communications device man has ever used.

Clearly, Mayer touches on many important television themes. Some he develops with understanding and thoroughness; and these chapters merit reading and rereading. Mayer is particularly telling in his treatment of Joan Ganz Cooney and her formidable Children's Television Workshop, perhaps the single most innovative and creative contribution that has been made to or by American television. His explanation of the genius of French television research under the leadership of the extraordinary Pierre Schaeffer is fascinating, and is probably included as an object lesson to less imaginative American researchers who still believe that counts are sufficient for conclusions. Mayer deals skillfully, too, with the impoverished thinking of those who see each new step in communications technology as the solution to older problems of infinite complexity that require something so much more telling and profound. Here he writes about political access, but change the subject and the judgment remains the same: "The hope that the multiple channels of cable systems will resolve this problem is more than usually childish."

But there is nothing childish about this book. It misses its mark: to do for television what its author has done for other American institutions. But it at least begins the discussion of this vital medium that must now take place if we are to deal effectively with its strengths and weaknesses. And it begins it well. □

KIKE!
A Documentary History of Anti-Semitism in America
edited by Michael Selzer
Straight Arrow/World, 231 pp., $7.95

Reviewed by Irving Malin

In his introduction Michael Selzer urges us to be concerned with anti-Semitism. It still *matters*—even after the relative acceptance of Jews in hotels, universities, and clubs—because it is bound to explode again at any time. He is less interested in the various social surveys that have been made of anti-Semitic attitudes—one of white church members in 1963 revealed that 33 per cent of Protestants and 29 per cent of Catholics agreed that "Jews are more likely than Christians to cheat in business"!—than in exploring the causes of these attitudes.

But Selzer soon runs into problems. He claims that anti-Semitism isn't "as, Simmel insisted, a social disease," and it is not confined to one area or class or race. He regards it, instead, as a "moral aberration." "It is one of the more prevalent and hence significant manifestations of man's pervasively (but not ineradicably) evil nature." The questions leap forth. What causes this "manifestation" of evil? Why devote an entire book to a survey of American anti-Semitism unless *our* kind is radically different from other manifestations? What exactly does he mean by "moral" and "aberration"?

At times Selzer seems to believe that anti-Semitism lies deep in the soul—it belongs to the "Kingdom of Satan"—but he also accepts it as severe mental illness. Satan? Paranoia? The categories are hopelessly mixed. I do not want to condemn Selzer for his vague remarks—he is, after all, trying to grapple with huge abstractions in a ten-page introduction—but I do think that he tries to cover too many bases at one time.

Selzer is, however, not very different from critics of American-Jewish literature who refuse to define "Jew" before they begin to label everything good as "Jewish" (or vice versa). Selzer should define the Jew, perhaps in purely theological terms. By never limiting his point of departure (or arrival), he moves erratically in all directions.

So, by the way, does Herbert Gold in his foreword to the book. He ranges from personal history to psychoanalytic double-talk: the "Jew as Shadow." He mentions matzah balls, the "Jewish American Princess," the "devil-tenant." He is more colorful, autobiographical, and perceptive than Selzer, but he is also imprecise.

Although I am dissatisfied with the lack of firm definitions (or attitudes) in their introductory essays, I find that this "documentary history" is strongly interesting. Selzer is a fine editor. He is able to suggest that even though there is historical change—we move from Peter Stuyvesant's request to expel the Jews (September 22, 1654) to subtler responses to surveys of anti-

Irving Malin teaches at City College of New York. He is the author of *Isaac Bashevis Singer* and *Nathanael West's Novels*; he is the editor of the forthcoming *Contemporary American-Jewish Literature: Critical Essays*.

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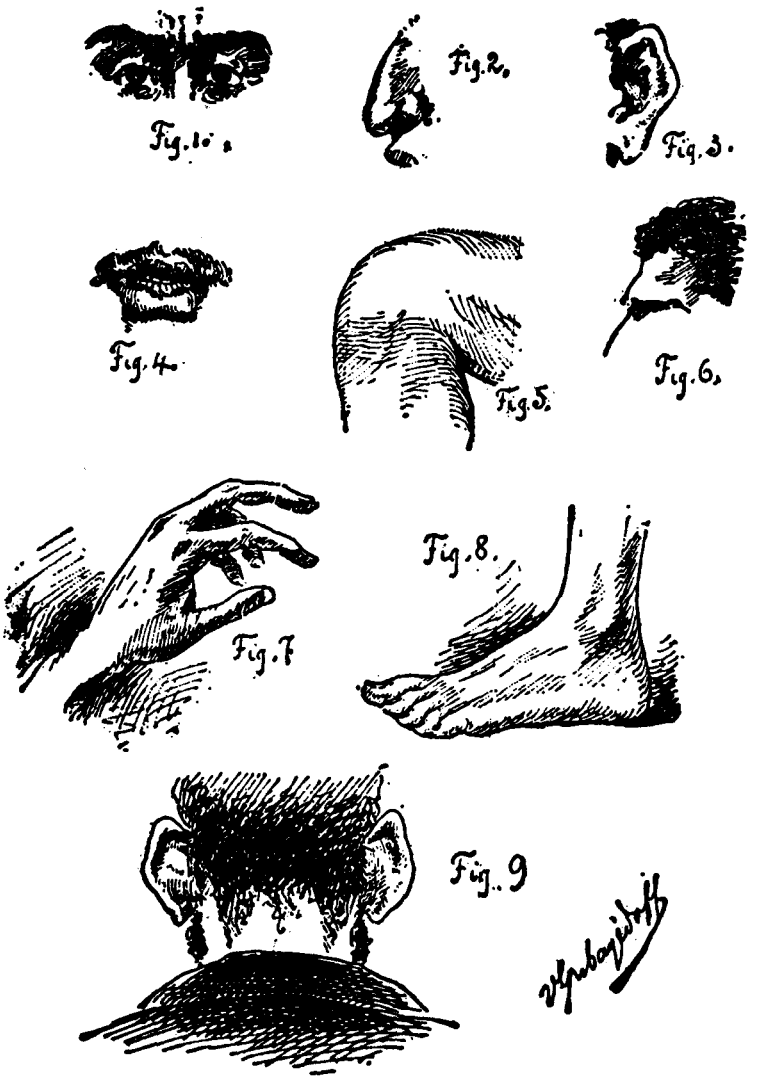
HOW WE MAY KNOW HIM.
Fig. 1. Restless suspicious eyes.
Fig. 2. Curved nose and nostrils.
Fig. 3. Ill-shapen ears of great size like those of a bat.
Fig. 4. Thick lips and sharp rat's teeth.
Fig. 5. Round knees.
Fig. 6. Low brow.
Fig. 7. Long clammy fingers.
Fig. 8. Flat feet.
Fig. 9. Repulsive rear view.
Fig. 1.
Fig. 2.
Fig. 3.
Fig. 4.
Fig. 5.
Fig. 6.
Fig. 7
Fig. 8.
Fig. 9

A diagram from a nineteenth-century anti-Semitic tract, from "Kike!"

Semitism taken during the last three decades—basic patterns persist. The Jew, for example, is continually pictured as odd, dirty, fiendish, and needlessly shrewd. Neither Selzer in his editorial comments nor the anti-Semites quoted really explain why the Jew is pictured in these *particular* ways. But the effect is chilling, as in the brief, quoted comment by a "patriotic" American that the "way to solve the Jewish problem is to get a Hitler over here, and then forget about the whole business once and for all."

Selzer paces the selections well. He alternates long and short passages, prose and verse. The short passages are clearly the most frightening. Henry Adams, for example, maintained that "the Jew is also a curiosity. He makes me creep." Selzer is also able to show us that John Jay Chapman and H. L. Mencken, among other intellectuals, were not the completely noble figures we have been accustomed to think they were. He deflates their pretensions by merely quoting them. (I think of Mencken differently after having read these statements: "The Jews could be put down very plausibly as the most unpleasant race ever heard of. As commonly encountered they lack many of the qualities that mark the civilized man: courage, dignity, incorruptibility, ease, confidence.")

I quarrel with some of Selzer's editing. Although he includes Henry Adams, *et al.*, he does not offer selections by Pound, Eliot, and Hemingway. Surely their anti-Semitic comments are as pertinent. Curiously, he also omits selections by Jewish writers dealing with anti-Semitism. This survey is surely incomplete without passages from Bruce Jay Friedman's first novel, *Stern*, (a book that says more about the problem than Selzer's entire introduction), Henry Roth's *Call It Sleep*, Nathanael West's *The Dream Life of Balso Snell*, or yes, even *Portnoy's Complaint*. The comparisons could have been fascinating. (Who is more disturbed by the "creepy" Jew? Henry Adams or Alexander Portnoy?) Here I reveal my own prejudice—I believe that art tells us more about life than newspapers, forged historical documents, and edicts—the kinds of material Selzer favors.

I do not want to end with complaints. I think that, although Selzer does little to explain the nature of anti-Semitism, he performs a valuable, necessary service in making us recognize that throughout our history many Americans have thought that "Judaism is the antithesis of Americanism." His selections shock and illuminate. □

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Theater

Summer Solace

BY HENRY HEWES

Summertime puts Broadway and Off-Broadway to their severest test. Many highly praised shows that would have flourished between September and June have to fold, simply because the audience for theater decreases considerably in July and August. This year the number of shows in Broadway playhouses has dropped to nine, which must be the all-time low since the invention of air conditioning.

On the brighter side are the sold-out performances at Lincoln Center's Beaumont Theater, with its original-star revival of *Man of La Mancha* and the gradually improving business at both the Edison, one of Broadway's "middle houses," where *Don't Bother Me, I Can't Cope* is cheerfully offering a mixture of blues, hand-clapping gospel friendship, and self-reliant vigor, and the Ethel Barrymore, where *Don't Play Us Cheap!* is drawing a sizable black audience to Broadway.

As usual in summer, shows occasionally replace their original stars with new ones, and for the critic it is interesting to see how the replacements' different personalities and approaches to their roles can change a play. A case in point is Neil Simon's *The Prisoner of Second Avenue,* in which the star roles originally played by Peter Falk and Lee Grant are now being undertaken by Art Carney and Barbara Barrie.

When the show opened last December, it seemed, for the most part, to be just a man and his wife making the same jokes about the discomforts of living in New York City that night-club comics and late-night TV hosts toss around. Nevertheless, it was a hit.

Although the new performers have not really changed the show's substance—it is still a scenario of jokes and still a hit—they have made it a little more of a story. Art Carney's portrait of Mel Edison is, from the beginning, that of a desperately anguished fifty-year-old executive on the verge of a breakdown. Eschewing the comic technique almost completely, he snaps out his complaints with compulsive anger. Is he paranoiac? If one thinks about it, most of what Mel complains about is reasonable. However, Carney makes Mel seem psychotic because he doesn't see why he should put up with the discomforts everyone else accepts and because he is aware that twenty-two years on Madison Avenue have left him unfit to exist in any other environment. Mel's reasonable revolt appears all the more insane because Barbara Barrie, as his wife, Edna, calmly and quietly resigns herself to everything. While this makes her less funny in the first act, it pays off in the second when her underplayed put-down of Mel's horrendous relatives is controlled emotion at its best, and in the final scene when she loses her job and goes berserk.

Off-Broadway the summer roster of shows is about normal. It includes the New York Drama Critics' Award winner, *That Championship Season*; the Chelsea Theatre Center's delightful revival of *The Beggar's Opera*; Arrabal's impassioned, shock-studded *And They Put Handcuffs on the Flowers*; Tennessee Williams's sublime *Small Craft Warnings*; Video Free America's composite of video tapes, *The Continuing Story of Carol and Ferd,* in which two young people deliberately and cruelly explore, with TV cameras, the intimacies of their relationship; and a comic double bill, *The Real Inspector Hound* and *After Magritte,* by Tom Stoppard.

The Stoppard comedies do not pretend to be much more than clever exercises. *The Real Inspector Hound* sets out to combine a parody of a mouldy British whodunit with a witty fantasy in which a third-string drama critic nefariously manages to become number one.

It shows us two critics, Birdboot and Moon, watching a new bit of trumped-up nonsense about a madman who may be one of the house guests at Muldoon Manor. The critics' pre-curtain conversation reveals that some of their colleagues have written their reviews in advance. Birdboot also urges his colleague Moon to recognize the talent of the play's ingénue, whom Birdboot has been seducing. Birdboot and Moon seem ridiculously vain when they compare their blurbs that have appeared blown-up in front of theaters, with poor Moon, the second-stringer, being able to boast only about one "unforgettable" for a play he can't recall. The pair are also preposterous as they scribble ponderous, fashionable-sounding criticism that is either totally unrelated to the play they are seeing or that attempts to find hidden profundities in the trivial. Moon says, "I think we will find that within the austere framework of what is seen to be on one level a country-house weekend, and what a useful symbol that is, the author has given us . . . the human condition."

Ridiculous, yes. But Stoppard then does accept the difficult challenge of making his two spoofs merge into something that both adroitly completes the exercise and also reflects a certain degree of surreal truth. The cast, headed by Tom Lacy and David Rounds as Birdboot and Moon, is amusingly accurate. Nevertheless, this production often emerges as boringly facetious and repetitious, just barely saved by the subtlety in Stoppard's lampoon of the critics, and our awareness of a good erratic mind at work.

The shorter of the two pieces, *After Magritte,* is an interesting and remarkably successful attempt by the playwright to create a theater piece that has the quality of the Belgian surrealist painter René Magritte, or, that is, the quality Magritte would have had if he had been dealing with aspects of British middle-class society.

The play takes place in a home where people seem to be logically pursuing a bizarrely routine existence. A mother-in-law plays the tuba, and a husband and wife getting ready to go out and perform their dance act carry on oblivious of the eccentric images they present. They have been arguing about a strange sight they saw—a white-bearded, one-legged football player hopping down the street in striped pajamas—when a detective enters to question them about a crime he suspects them of having committed. The detective's pursuit of his own inquiry ingeniously leads to an explanation of both the crime and the couple's apparition.

Magritte once wrote, "Likeness is not concerned with agreeing with common sense or with defying it, but only with spontaneously assembling shapes from the world of appearance in an order given by inspiration." This formula also defines Tom Stoppard. □

Answer to Wit Twister, page 63: sager, gears, rages.

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Films

Portrait of the Con Artist as a Young Man

BY THOMAS MEEHAN

Marjoe, a sleazy but fascinating documentary about a twenty-eight-year-old, smalltime evangelist named Marjoe Gortner, is like one of those as-told-to Hollywood confession books that were making the best-seller lists a few years ago. Instead of to Gerold Frank and his tape recorder, however, Marjoe has told his story into the lens of a 35 mm. movie camera, and he and the directors of the picture, Howard Smith and Sarah Kernochan, may indeed have stumbled upon a new genre of film—the *True Confessions* movie. Next year: Eva Gabor.

What Marjoe has to confess is that he's been a hypocritical rat fink who hasn't for a moment believed in the fire-and-brimstone, "thank you, Jesus" sermons that he's preached for years to holy-roller audiences around the Bible Belt. And that, overcome with guilt and a yearning to break into Las Vegas-style show business, he's now getting forever out of the evangelist racket. For Marjoe Gortner, there will be no more hustling money out of the black and poor-white dupes.

He's two-faced, Marjoe admits with a boyish grin, and in the film, which was made last year during his six-week farewell tour around the circuit, we get to see both of his faces. That is, the picture is mostly made up of *cinéma-vérité* footage of revival meetings—at which Marjoe, preaching into a microphone while strutting and wriggling about like Mick Jagger, cons the crowds not only into accepting Jesus in their hearts but also into parting with up to $20 for red-checkered "prayer scarves" that look as though they might have cost a quarter apiece in Woolworth's—intercut with straight-on shots of Marjoe telling the truth about himself ("I'm bad, but not evil") while lounging about in motel rooms between performances.

The motel-room moments would appear to make it certain that he'll never be tempted to go back into preaching—once word about *Marjoe* gets around in holy-roller circles, he'll clearly be *persona non grata* forever under every revivalist tent from the Florida panhandle to Los Angeles. Which is one of the most fascinating things about *Marjoe*—it's a portrait of a con artist who is burning his bridges permanently behind him.

Coming onto the stage in a hip, Italian-cut suit, a flashy black-and-white sports shirt, and an American-flag tie, Marjoe seems to be so obviously a con man that it's difficult at first for us to believe that anybody could possibly be taken in by him. But, we gradually realize, this is part of the point of the picture—for those whose religion forbids them to go to the movies or even to watch TV, the revival meeting is a spirit-lifting form of entertainment, and at some level of consciousness the holy rollers are aware of the fact that they're being conned. They don't really mind, so long as they get to see a good show. It's hard to say whether or not Marjoe would have put on the same act or the revivalists would have behaved so hysterically (fainting, rolling on the ground, etc.) if the cameras hadn't been on them. This is the built-in Catch-22 of all *cinéma-vérité* films—one never knows how much the cameras influence the actions of those being filmed.

Perhaps the best moments in the picture come at its beginning when we see old 16 mm. clips of Marjoe as "a boy evangelist" on the revivalist circuit in the late 1940s and early 1950s. He is the son of a pair of broken-down, tent-show preachers who named him Marjoe, a Desilu-like combination of Mary and Joseph they'd dreamed up, and who then proclaimed to the world at large that their son had been personally called by Christ to spread the word of the Lord. In short, they used Marjoe, who began preaching at the age of four, as a come-on to attract crowds to their tent meetings. And he preached on the circuit for ten years, during which time, Marjoe claims in the picture, his parents made $3 million out of him.

The film's most poignant bit is a clip of Marjoe, at the age of four and a half, serving as the minister at the marriage of a nervous, red-faced sailor and his heartbreakingly ugly bride. Tiny, frail, curly-haired, and jug-eared, Marjoe recites the wedding ceremony in a piping, mechanical voice, and he looks visibly relieved when he gets to the end of it without having made a mistake. It had taken him months to memorize the ceremony, the grown-up Marjoe now explains into the camera—his mother had drilled him for hour after hour. And when he'd get it wrong, Marjoe tells us, she would hold his head under a water faucet or smother his face with a pillow—any sort of punishment that wouldn't leave marks on him for the holy rollers to notice.

Boy evangelists, like boy sopranos, are evidently pretty much washed up once puberty comes along, and at the age of fifteen Marjoe ran away from his parents to take up residence with "an older woman" in Southern California. He hung around Los Angeles for a couple of years, went briefly to college, dropped out, and then at twenty went back into evangelism, apparently because he didn't know of any other way to make a living. And, despite all of his guilt about not believing in the old-time religion he preached (even as a child, he hadn't believed in it), he might still be working the revival circuit if he hadn't run into Smith and Kernochan, whose idea it was to make the film we're now seeing. Marjoe immediately agreed—the movie, he realized, would at once destroy his career as a bush-league Oral Roberts and be a full-length showcase for his acting and singing talents. His consuming ambition, Marjoe tells us, is to be a pop singer like Mick Jagger, who is his idol, and on the evidence of *Marjoe*, in which he does some gospel singing, he certainly seems at least as talented as, say, Engleburt Humperdinck.

Marjoe, by the way, is fairly short—only eighty-eight minutes long—and so you can go out for an evening, see the picture, have a couple of cheeseburgers at McDonald's, and still get home in time to catch the last half of the Billy Graham Crusade on TV. Anyway, though the picture is itself something of a con job, a promotional hype for Marjoe's prospective show-biz career, it's worth seeing. □

LITERARY I.Q. ANSWERS

1i & 4j, *Paradise Lost*; 2g & 6h, *Passage to India*; 3k & 7l, *Winter's Tale*; 5b & 12a, *Portrait of a Lady*; 8d & 10c, *Invisible Man*; 9e & 11f, *Marble Faun*.

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Music

Soul at the Center

BY CARMAN MOORE

The fascinating thing about Soul at the Center was that it was something special without being anything too much out of the ordinary. I am speaking about a fourteen-day, sixteen-event parade of quite typical professional black performing art that virtually blew the roofs off Lincoln Center in much the same way as it rocks the Apollo Theatre on 125th Street, whips tornadoes through Latin dance halls from Boston to Tierra del Fuego, and routs entire armies of Satan in almost every Afro-American church each Sunday. The special aspects were that somebody—Ellis Haizlip, producer of the TV show *Soul* with New York deejay Gerry Bledsoe—decided to present some of those art forms and artists in tandem; that the presentation was sought by and aided by that mighty fortress and port in the storm of ancient European music, Lincoln Center; and that the hopes both of the soul and of the center seem to have been so well realized.

I would hazard the guess that the soul hoped for some official downtown recognition of black art-making as a fine and serious (without the wrinkles) American cultural force. Lincoln Center, on the other hand—with no Mahlers apparent on the classical music horizon, uneasy about the European museum image grumbled about by blacks and whites alike, and with the summer implicitly a time when New York's poor (you know who) are left in town—must have hoped to make image points, to tap a new audience in an unspecific sense, and—let's face it—both to learn something and to behave relevantly toward a stage of cultural history that is turning black and/or Spanish, little by little. With halls at least two-thirds filled and with audiences that looked to me to be two-thirds black (and one-third young whites), the very first blush of a new friendship seems possible.

Among the performers only Nina Simone was a name that you might consider a household word—and even this may be a careless statement. There was no Aretha, Ray Charles, Leontyne, Duke, Count, James Brown, or even (chancy again) Alvin Ailey Dance Company. But gospel superstars James Cleveland, Shirley Caesar, and Marion Williams were there. Poets Nikki Giovanni and Felipe Luciano, well known to that growing number of those who care, were there. Latin conga-playing legend Mongo Santamaria, rhythm 'n' blues stars Donny Hathaway, Esther Phillips, and Jerry Butler, and the extraordinary category defiers Roland Kirk and Taj Mahal were all at the center, giving a best that kept the critics diving deep for new superlatives.

To be sure, there were low points, such as the show headed by the Chairmen of the Board, who have recorded hits but who just didn't show the richness of voice or the imagination that was the norm of the series. There was a fair-to-promising performance by Linda Hopkins, gospel-trained Broadway star of *Inner City*, whose strong, straight mezzo voice and dramatic sense saw her through *Inner City*'s hit "Deep in the Night" but left some choruses of "Send Me Some Loving" and "Birth of the Blues" rather aimlessly embellished. There were other mid-career groups of the rhythm 'n' blues variety that never got into flight. But the general artistic level was extremely high, and Soul at the Center's main message to the outside world seemed to be that black art is dynamic relationships between artists and audiences, whether caustic, such as when a bored element got vocal about its dislike of some of the complex but fine percussion work of the M'Boom ensemble, or in perfect sync, such as when James Cleveland and the New York Community Choir had hit about the tenth time through the gospel classic "How I Got Over," the choir was disarrayed all over the Tully Hall stage, Cleveland was beaming, and the audience was on its feet swaying.

Artistically, there were few surprises. Nina Simone—the popular singer of songs with perhaps the greatest scope of anyone before the public today outside of Sarah Vaughn and Ray Charles—kept rising to unreasonable heights of expression, past song to the point in "The King of Love Is Dead" where an angry speech right in the middle of the third chorus became an esthetic necessity, one that only continued the music on another plane just as music continues real lives within the daily black world.

It should start becoming clear to folks by now that black performing arts are experiencing some kind of golden age. Poetry, dance, clothing design, hairstyling, some ritual theater from Barbara Ann Teer's National Black Theater, and music from many areas were all covered, not always brilliantly but characteristically with style (e.g., gospel concerts were presented as church services complete with prayers and the chance of souls being saved). It may be a permanent state; it may not. It always seems to me that church is the key and that, should the fundamentalist churches pass into history, black performing art would eventually experience some kind of crisis. At each of the Soul at the Center events I was continually impressed by how much church-ritual esthetic was being tapped by even the most complex performers and by how totally congregationlike the audience behavior was for almost every event. All those gospel-trained gymnastic voices (one male soloist hit an E above high C), some of them singing rhythm 'n' blues style; all of those "preacheresque" snorts and squeals out of Kirk's horns; the perfect sense of repetition's spiritual power; and the flow of energies from stage to audience and back to stage in the community interest of getting electricity into everybody's body—all point, at this date at any rate, back to the old rugged cross. Haizlip and Bledsoe were hip to all this and brought gospel music right up front in the series.

I keep imagining in stranger moods that the center might find itself stuck someday with an army of soul devotees. I hear involved audiences cheering the "Liebestod" music on to its mightiest climax with cries of "amen." I dimly see audiences joining in on the choral movement of the Ninth Symphony and an entranced blood member jump up on stage and add a vocal variation to those written. Or might they check out the orchestra's repertory and, bored, leave the Center's Finest to dry up like a raisin in the sun? Who knows? What is not just musing is the fact that the real soul thing came into its center and had a rich time there digging art that they have been used to for a long time. □

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Phoenix Nest

Future-Laugh

EDITED BY MARTIN LEVIN

The world is chock-full of hard facts, and I've just run up against another one. It's called Art Deco, and it's spreading across the market place and the museum world like crab grass in a scout camp. A devotee of phenomenology, I decided to get to the bottom of this arcane movement, only to find that Art Decoists are all around us, as thick on the ground as campaign promises.

Art Deco—alias Art Moderne alias Constructivist Machine styles alias Zig-Zag Modernist alias a score of other labels that connoisseurs bicker over—refers to the Brave-New-World styling of the between-the-wars era. Everything.

Cartier handbag clasps, radios shaped like Aztec pyramids, cubist tea sets, the aluminum grand piano on the dirigible *Hindenburg*, Lalique frosted-glass urns, stainless-steel theater lobbies, and the 1936 Chrysler Airflow. A rather hard-edged era in design to be sure, but one of the world's hard facts? Yes.

These items are now antiques. Think about it. You no longer have to remember being held up to see Queen Victoria's funeral cortege in order to have one foot in history (and the other one you-know-where). You don't even have to remember *Hoover*. The Deco emporiums of Paris, London, and New York are offering up *objets* that cluttered the living room when Jack Armstrong was still selling Wheaties over the Aztec-shaped radio. I, for one, have neckties that are that old, never dreaming they've joined pre-Columbian heads and George IV snuffboxes among the relics.

Now Twiggy in *The Boy Friend* and referring to the 1940 Packard as a classic are one thing. But finding the same blue-mirrored vanity that Mother

"Don't think of it as losing a door. Think of it as gaining a wall."

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used to comb out her marcel in front of is another matter entirely.

Of course, Margaret Mead has been reminding us for some time that the Present Generation (whoever *they* are) fails to relate to events prior to Hiroshima. The next logical step is that they've opened shop to sell our birthrights by calling them antiques. And the final indignity is the price they're charging for stuff we clearly remember throwing out.

Take the works of Jacques-Emile Ruhlmann, for instance. If you can find a stick of his austere and straight-legged furniture, it's worth its weight in Chippendale. This craftsman of the ancient world died in 1933. Or take Puiforcat. He was Ruhlmann's Parisian contemporary, the one who did all those squared-off silver teapots that currently outprice Paul Revere himself. It verges on the un-American, not to mention the anachronisms.

But it's all in The March of Time, to cite a popular media message of the era in question. The other day, as I was poking through an Art Deco shop called A Grand Tango in London, a hopelessly young student of antiquities sidled up and gauged my age and nationality with pitiless appraisal. "If you're American," she said, "you probably remember the Chrysler Building. That was just about the finest example of utilitarian sculpture in the entire period."

How dare this little postwar squirt in her platform ankle straps, Lana Turner lipstick, and crocheted cloche with plastic bing-cherry brooch consign me and the Chrysler Building to history!

"The Chrysler Building is still there," I responded stiffly.

"Fancy that," she said softly, "after all this time."

And then she wandered off down King's Road in the general direction of Westminster Abbey.

Richard Peck

The Nine Ages of Man

(A poem in one line, to be read aloud.)

Not old enough to know better
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FUND RAISER—Productive background universities, hospital and rehabilitation, seeks worthwhile campaign. Box I-240.

WANTED—Someone that requires care of capable, well-experienced male nurse. Box 82, Fort Lee, New Jersey 07024.

ENTHUSIASTIC TEACHER desires position. N.Y. State Certified, Elementary N-6 and English. 914-472-5537.

EMPLOYMENT OPPORTUNITIES

MR. AND MRS. PAUL BUNYAN or Cinderella sans curfew for house, horse or apartment sitter, suburban or New York areas. Must like animals, eating. Moonlighting feasible. Box I-250.

LUCRATIVE OVERSEAS jobs with famous worldwide hotel chains. Write: Alexander, Box 357SR, South Pasadena, California 91030.

TEACHING OPPORTUNITIES—faculty needed for private independent schools, all states, all subjects and levels; also administrators, department heads, etc.; also business managers, fund raisers, housemothers; nurses, etc.; beginners, experienced; initial details, no obligation. SCHOOL SERVICE BUREAU, Box 278C, Windsor, Connecticut 06095.

EUROPEAN-FOREIGN EMPLOYMENT—Detailed report on currently available jobs—Europe, Australia, Africa. $3.00. Eurojob Report, Box 52643-R, Lafayette, Louisiana 70501.

EMPLOYMENT OPPORTUNITIES

MOTHER'S HELPER for Brooklyn Heights family with small children. Own room and bath. Ideal for student. Starting mid-September. Box H-625.

CAPABLE, RESPONSIBLE general housekeeper for middle-aged couple at Sanibel Island. Separate apartment, A/C and T.V. included, with use of pool and beach. Must like pets. SR Box I-318.

AUSTRALIAN NEWSPAPERS. magazines, books :3 pounds, $3.00; 15 pounds, $9.00; 40 pounds, $18.00. All different, top quality, postpaid. Australasian News, Box 6428, Torrance, California 90504.

WORLDWIDE POSITIONS AVAILABLE. Enjoy high pay, travel allowance, paid overtime!! Send age, occupation. Write: Global Employment, Box 706-P124, Orinda, California 94563.

OVERSEAS JOBS—Now hiring, 103 countries, all occupations, high pay, free transportation, tax benefits, latest computerized reports. $2.00. TRANSWORLD, International Airport, Box 90802-K, Los Angeles, California 90009.

"AUSTRALIAN OPPORTUNITIES HANDBOOK"—Latest information about Government Paid Transportation, Employment, Business, Farming, Housing, Education . . . plus "Employers' List" and Forms. Send $1.00. International Service, Box 19107-MT, Washington, D.C. 20036.

EXCITING OVERSEAS JOBS. Directory $1.00. Research Associates, Box 889-R, Belmont, California 94002.

TEACHING POSITIONS In Foreign Countries. New 100-page guide contains information about organizations seeking teachers. Includes requirements, geographic areas, addresses for application forms. Guaranteed satisfaction. Special price $2.00. Foreign Countries, Box 514-K19, Ames, Iowa 50010.

OVERSEAS OPPORTUNITIES . . . Higher pay! Free Transportation! Complete information including Directory of 135 companies hiring thousands of Americans overseas . . . all occupations! Send $1.00. International Opportunities, Box 29232-WS, Indianapolis, Indiana 46229.

AUSTRALIA WANTS YOU!!! Free passage. 50,000 Jobs—most comprehensive information anywhere—Employment Directory, Business Directory, Teaching Opportunities, Education, Housing, Taxation, Ranching, Maps. Only $1.00. AUSTCO, Box 3623-K, Long Beach, California 90803.

HOUSES AVAILABLE

For Sale

BERKSHIRES, NEAR TANGLEWOOD—Large, new, all-electric contemporary home on 2½ wooded acres, 500' frontage on beautiful secluded lake. Excellent winter and summer fishing, boating, swimming; near skiing, tennis, golf. Cathedral living room with fireplace, 4 bedrooms, 3 full baths, 2-car garage, many extras; central vacuum system, etc. $65,000. Owner, RD 1 Box 92A1, Great Barrington, Massachusetts 01230. 413-528-4467.

VERMONT. All-season chalets, village homes. Choice acreage. Free brochure. ROLAND BEERS & ASSOCIATES, Manchester, 05254.

MOVING TO CLEVELAND? Suburban living, superior schools, near universities, integrated neighborhoods. Contact Shaker Communities, 3494 Lee Road, Shaker Heights, Ohio 44120. 216-751-2155.

CAPE COD CONDOMINIUMS—Halcyon is our remarkable year 'round condominium community on one of the remaining unspoiled areas of the Cape. Write Hilon Development Corporation, Dept. G12, 1330 Boylston Street, Chestnut Hill, Massachusetts 02167. Or call collect 617-734-2300. This offering is not available in states where prohibited by law.

ADIRONDACKS, SARANAC LAKE—Large, year round, 4-bedroom home. Great charm. 2 acres, brook, view, sports, airline. $65,000. 518-891-3212, 203-868-2080.

HOUSES AVAILABLE

For Rent—Furnished

TOBAGO COTTAGES—All sizes, locations, and rental rates. Cottage Owners Association, Box 194, Tobago, W.I.

SANIBEL, FLORIDA—New 4-bedroom, 3-bath house. Pool, beach, dock. $600 week. February 3rd-April 15th. SR Box I-315.

MALLORCA—House for rent. Reasonable rates. Sleeps 2-4. Biehl, 1906 Floyd, Richmond, Virginia 23220.

HOUSES FOR EXCHANGE

RENT-FREE VACATIONS. Write Holiday Home Exchange, Box 555, Grants, N.M. 87020.

APARTMENTS AVAILABLE

For Rent

Furnished/Unfurnished

ITHACA, N.Y. Walk to Cornell campus for lectures, concerts. Fairview Heights . . . a new environment for living designed by Marcel Breuer. Write to Fairview Associates, 100 Fairview Square, Ithaca, N.Y., or call Mr. Sullivan, 607-AR 2-3420.

APARTMENT FOR SALE

CO-OP—East 67th Street, NYC. 2½ rooms, sleeping alcove, modern building, doorman. $20,000, monthly maintenance $186. Call 212-353-4628 or 212-IN 3-1425.

OFFICE SPACE AVAILABLE

WE'LL RENT YOU an office, furnished and staffed, at 645 Madison Avenue, NYC. 212-753-7050.

PROPERTY FOR SALE

CALIFORNIA'S GOLD COAST—Del Mar—surf view acreage. 15 acres, zoned multiresidential and commercial. 15 minutes to beautiful San Diego Bay, Beaches, Boating. Horsemen's Paradise. Best climate in United States. Property is 5 minutes to UCSD campus, Gulf General Atomic, new VA Hospital and many new industries, and beautiful La Jolla. Surf, Ocean and Torrey Pines State Park Views—UNIQUE. These parcels are available separately or together. Write or call for information and brochure. McKellar & Wyer, Inc., Realtors, 1202 Camino Del Mar, Del Mar, California 92014, Phone Area 714-755-9318, Mr. Robinson.

NORTHERN VERMONT REAL ESTATE. Brooks H. Barron, Kent Mitchell, Realtors, Hyde Park, Vermont 05655. 802-888-4287/2433.

MARTHA'S VINEYARD—Water view site. Protected, private. Uncommonly lovely. Box 128, Chilmark, Massachusetts 02535. 617-645-9712.

RARE COMBINATION of complete privacy, river and spectacular mountain views. ¼ mile of private cascading trout brook with adjoining swimming pool and sun deck; 16 beautiful wooded and landscaped acres; main house and guest house. Excellent condition. Northwestern Connecticut, 90 miles from mid-Manhattan. 4 miles to ski area. 203-672-6302.

"VERMONT LISTINGS and RealNet News" has over 400 properties advertised monthly. Twelve issues, $5.00. Box 802, Brattleboro, Vermont 05301.

EIGHT MOUNTAINTOP ACRES, Pawling, N.Y. Heavily wooded. Views. Privacy. Insulation. Sixty minutes Manhattan. $19,500. Owner will hold mortgage. 914-855-5254.

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PROPERTY FOR SALE

ONE OF THE MOST UNUSUAL AND SPECTACULAR homes in San Diego County, located approximately 4 miles southwest of Rancho Santa Fe, is now available because the owner has moved to the East. This new contemporary designed residence contains approximately 3,900 square feet on 4 different levels, consisting of a recreation room which is located on the lower level along with a full bath, a fireplace and a kitchenette, a main floor consisting of a living room with 22 foot ceilings, a dining room with stained glass windows and an adjoining patio and kitchen with every modern convenience, a master bedroom on its own private floor with a spacious bath, dressing room, fireplace, and two balconies from which one can see the ocean to the west and the mountains to the south and east. Finally, on the top floor there are 2 bedrooms and a bath along with 2 studies which could be converted into 2 bedrooms.

THE POOL is surrounded by real and imitation boulders and has every imaginable facility including high and low diving boards, waterfalls, slides, outdoor barbecue, wet bar, and snack bar as well as two unusual cavern-like dressing rooms (the owner has invested over $100,000 in this area alone).

A RECESSED LIGHTED TENNIS COURT with dressing rooms is located a short distance from the house and to the south are stables large enough for boarding three horses but which are readily expandable.

THERE IS ALSO A SMALL HOUSE consisting of 2 bedrooms and a bath, which could be either servants' quarters or a guest house with certain renovations.

THERE ARE 17 ACRES which would be difficult to surpass in beauty and strategic location because of the magnificent view of the ocean and the mountains, along with a rolling green lawn and beautiful gardens with towering eucalyptus trees. This is a truly unforgettable estate well worth the asking price of $495,000 which is the owner's investment in this property. Liberal financing is available. ROBERT K. SMITH, Realtor, 7911 Herschel Avenue, La Jolla, California 92037. 714-459-4471.

NEW HAMPSHIRE'S MONADNOCK AREA—High land in small, unspoiled town. Region enjoyed by artists, writers, etc. Lakes and ponds nearby. Old Cape, beautifully restored with woods, field and brook, also for sale. SR Box I-327.

VERMONT REAL ESTATE. All types. Free Catalogue. Eben Brown, Broker, South Royalton, Vermont 05068.

A UNIQUE PROPERTY on the open ocean in Winter Harbor, Maine—An active surf on the shore of pink and gray granite popplestones; a view south to the open Atlantic and west (sunsetward) across Frenchman Bay and the Bar Harbor mountains. Golf, marine and all facilities in Winter Harbor. Summer theatre, music festivals and other active pleasure in Bar Harbor. Unique is precisely the word for this most beautiful of locations for your distinguished summer home. Approximately 3 acres with over 200 feet of shorefront. $27,500. Terms are available with only 10% down. Call WHITECAPS at 207-667-5366 or write 45SJ, Bar Harbor, Maine 04609.

BUSINESS OPPORTUNITIES

IF YOU'LL INVEST an 8¢ stamp, we'll bet $2 (cost of brochure) on you! Profitable, prestigious franchise providing management counselling to small businesses. $10,500 investment, #1 national organization. For free brochure: General Business Services, Inc., Dept. EB08, 7401 Wisconsin Avenue, Washington, D.C. 20014.

HOW TO MAKE MONEY writing short paragraphs. Information free. Barrett, Dept. C-310-L, 6216 North Clark, Chicago, 60660.

INTERESTED IN OWNING A FRANCHISE?—Business of your own, or full or part time money-making opportunities? Find out what's available. Send name for FREE 5 month subscription to Salesman's Opportunity Magazine, Dept. 1044, 1460 Hancock Center, Chicago, 60611.

CITY LIVING GOT YOU DOWN? Want to exchange crime and pollution for the peace of an Appalachian mountain town? Opportunity for mature couple. Large, fully-rented, converted house. Pays for itself plus. We're moving because of job change. Want to take over? Full details: Box I-317.

CAMPS

IDEAL FOR FIRST TIME CAMPERS: Appel Farm Arts & Music Center for Children, Elmer 24, New Jersey 08318.

VACATIONS

ENJOY A VERMONT MINI-VACATION. Luxury resort and condominiums on scenic hillside. 9-hole golf, heated pool, championship tennis, fishing. Fox Run, Box O-SR, Ludlow, Vermont 05149. 802-228-8101.

THERE STILL ARE STARS. birds, flowers, fish in our little corner of the Berkshires. Brochure. CHANTERWOOD, Lee, Massachusetts 01238.

VERMONT BICYCLE TOURING—Scenic routes; country inns. Weekends July-October, $43. John Freidin, RR 2, Bristol, Vermont 05443. 802-388-4263.

MARTHA'S VINEYARD—Secluded LAMBERT'S COVE INN. Pines, gardens, meadows. Delicious food. Walk to beach. May-October. RFD, Vineyard Haven, Massachusetts 02568. 617-693-2298.

WHALER'S INNE, Mystic, Connecticut—Inviting, homey seatown hostelry, walking distance to famed Mystic Seaport marine museum. Doubles $14-$24; 4 persons, $20-$24. Reserve by mail or phone.

QUIET, ELM SHADED location near ocean, art galleries, shops, wharves. Small inn and motel with or without meals. Open to November. Tuck Inn Lodge, Box 118R, Rockport, Massachusetts 01966.

SAN FRANCISCO ON A BUDGET? Charming, centrally located. Hotel Beresford, 635 Sutter Street.

COUNTRYSIDE VERMONT—Six beautifully furnished one-floor apartments with all modern conveniences. Bedroom faces dashing brook. Fireplace. $100 weekly. Madonna Apartments, Jeffersonville, Vermont 05464. Tel. 802-644-5355.

NANTUCKET. Island of Enchantment. 30 miles at sea, less than one hour by air from New York or Boston. Sandy beaches, perfect swimming into October, golf, fishing, your favorite sports. Interesting historic areas. Well-equipped boat basin. Modern accommodations. Excellent restaurants. Illustrated booklet. Information Service, 45 Federal Street, Nantucket, Massachusetts 02554.

JEWEL BOX ELEGANCE, Lighthouse Inn, 52-room mansion showplace of the shore at New London, Connecticut. 2½ hours from Gotham. Superb food. E.P. Doubles $15 up. Brochure S.

SHENANDOAH VALLEY FARM — Beautiful, secluded, quiet, comfortable. Dixons, McGaheysville, Virginia 22840.

TROPICAL ISLAND NEAR SARASOTA/BRADENTON: Near Walt Disney World. Send for free vacation guide. Chamber of Commerce, Box 188-SR, Longboat Key, Florida 33548.

UP-ISLAND ON MARTHA'S VINEYARD you're away from frantic joy-mills, free as a gull. Picturesque harbor to paint, beautiful beaches, tennis, cycling. Modern cottages (nonhousekeeping). $15 to $21 daily per person includes hearty New England breakfasts, Lobster Cookout Tuesday, bountiful Sunday Night Buffet. Special rates May 27th-June 16th and September 10th-30th. Booklet. O. R. Thompson, Owner-Manager. 617-645-2521. Menemsha Inn, Menemsha, Massachusetts 02552.

LUXURY IN THE ROUGH—Relaxing, congenial Resort Lodge & Motel. Informal atmosphere. Swimming pool, golf. Outstanding food. Cocktails. Airstrip adjoins. Sky Lodge, Moose River, Maine 04945.

A TREASURE by the sea. Unique oceanside resort apartments. Leisure living in tropical tranquillity—or exciting sport fishing and imaginative underwater exploring. Interested? Sunburst South Resort, Box 145, Islamorada, Florida Keys, 33036.

ENJOY VIVID BLAZING COLOR! Weekends or a full vacation at Dana Place, surrounded by ¾ million acres of national forest. Crisp autumn air, mountain climbing, hiking. Pool, tennis, fishing. Golf nearby. Continental cuisine, select wines. $16-$25 p.p., M.A.P., double occupancy. Housekeeping condominiums by day or month. DANA PLACE, P.O. Box 95-1, Jackson, N.H. 03846. 1-603-383-6822.

FLORIDA'S SANIBEL ISLAND—New all-electric one-bedroom condominium apartment. Charmingly furnished, patio, pool, dock. Gulf front. $600 month, season December/May. SR Box I-326.

SUMMER STUDIES ABROAD

GERMANY—FRANCE—SPAIN—ENGLAND. SCHILLER COLLEGE—See "Studies Abroad." Liberal arts, language, theatre.

STUDIES ABROAD

HEIDELBERG - BERLIN - PARIS - MADRID - LONDON. SCHILLER COLLEGE—Liberal Arts; B.A., M.A. curricula; academic year programs. American credit system. Special programs: music, theatre, fine arts. International business administration. Graduate, undergraduate, and high school summer courses. Write: Schiller College U.S. Office, 429 N.W. 48th Street, Oklahoma City, Oklahoma 73118. (Phone: 405-842-5979) or 7121 Kleiningersheim, Germany.

STUDY AT SEA. World Campus Afloat Semester sails September and February to exotic ports round the world. Accredited. Financial aid available. Write: Chapman College, Box CC17, Orange, California 92666.

AMERICAN EDUCATION IN SWITZERLAND. Leysin American School for University Preparatory Studies. International Environment. Coeducational, grades 9-12, boarding, 200 boys and girls. Experienced, qualified U.S./international staff, teacher-pupil ratio 1:10. Solid academic program, advanced placement, PSSC Physics, Chemstud, BSCS Biology; strong Mathematics, Foreign Languages. Curriculum related European tours. Alpine and winter sports. Excellent college admissions record. Affiliated with the American College of Switzerland. Write: Leysin American School, 1854-T Leysin, Switzerland or Hans T. Spengler, U.S. Representative, 330 East 49th Street, New York, 10017.

STUDY PROGRAMS IN FRANCE—French, Dance, Music, Art-History, Painting, Cuisine, Sculpture, Theatre, Photography, Cinema. 1. Academic year, two semesters. 2. Interim program, January 4th-February 1st. 3. Summer in France, July 1st-August 12th. 4. Christmas in Paris and London, December 23rd-January 2nd. Eminent artist/professors. Write airmail (3 International coupons) to: PARIS AMERICAN ACADEMY, 9 Rue Des Ursulines, Paris 5, France.

TRAVEL

NEPAL-EVEREST trek—November 14th. $2,623.
KASHMIR-KOLAHOI trek. Tiger hunt/view only. Ex-Maharaja's guests. April 21st. $2,850. CAPERS 400 CLUB, 960 Larrabee, Los Angeles, 90069.

WORLDWIDE FREIGHTER GUIDE — $1.75. Rates, schedules. 700 passenger carrying Freighters. TravLtips, 40-21Z Bell, Bayside, N.Y. 11361.

HOTEL TUDOR. New York at back-home prices. Singles from $12, doubles from $15. On N.Y.'s fashionable East Side. Near UN, theatres, Empire State, Radio City and famous 5th Avenue shops. Comfortable rooms with TV, phones, air conditioning. Cocktail lounge and English Pub. Write for brochure. 304 East 42nd Street, New York, 10017. 212-YU 6-8800.

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SHOOT THE RAPIDS of the Colorado River and jeep the back country. A quality experience in Utah's Canyonlands National Park. Free brochure. Tag-A-Long Tours, Box 1206H, Moab, Utah 84532.

THIS AD + $7.00 per person, double occupancy entitles you to real value New York. Next time try CENTURY-PARAMOUNT HOTEL, 235 West 46th Street, convenient theatres and everything; 650 rooms, with bath, TV, air conditioning. Single-$10.00. Don't delay, reserve now. This is a "sleeper" in every sense.

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SAILING VACATION ABOARD popular sailing ship MAVERICK in the Virgin Islands. $215 all inclusive. Free folder WESTINDIAMAN CRUISES, 95 Idlebrook Lane, Box S, Matawan, N.J. 07747. Phone 201-566-6416.

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Kingsley Double-Crostic

Reg. U.S. Patent Office

By Janet Elliott Cameron

No. 2003

DEFINITIONS

A. Reach or surpass the desired standard of performance (slang; 3 wds.)

B. Posterior

C. Sebacious cyst

D. Genuine thing (2 wds.)

E. Shining

F. Rand, for instance

G. Epithet of Buddha meaning "he who has attained his goal"

H. Wife (colloq.)

I. Pureness

J. Obstinacy (colloq.)

K. Year of the world (Latin; 2 wds.)

L. He and his followers swindled N.Y.C. out of millions of dollars (2 wds.)

M. Tending to clear from a charge of fault or guilt

N. King and Judge of the Dead (Egyptian religion)

WORDS

12 82 1 36 162 117 150 110 215 68 65
99 138

181 148 31 139

80 74 2 214 109 13 62 118

119 3 230 106 176 76 133 116 141

78 33 4 115 143 158 208 180

34 81 114 107 149 28 136 216 120

29 37 174 206 14 104 169 145 69 197

190 75 35 151 170 183

142 112 77 229 84 185 172 202

187 30 157 166 70 199 137 182 203 223

193 39 178 15 71 103 198 232 85

122 38 102 239 154 5 113 171 184

86 218 147 101 16 52 6 194 152 140 72

167 87 144 161 226 111

DEFINITIONS

O. Attack on schools and schoolmasters by Dickens (2 wds.)

P. State of being no longer used or practised

Q. Edna Ferber's novel humorously exhibiting the Barrymores; *The* _____ (2 wds.)

R. Supernatural

S. Frank Sinatra's role in *Guys and Dolls* (2 wds.)

T. Dismissal (slang; comp.)

U. Lacking reserve

V. Indubitably (4 wds.)

W. Butterfly

X. What the *Mona Lisa* doesn't have

Y. Poem expressing a complete thought

Z. Region in the East Sudan between the White and Blue Nile Rivers

WORDS

192 146 108 121 17 83 40 73 225 175 127
210 105 160 168 7

44 55 51 63 100 47 91 222 195

56 8 123 93 42 79 96 21 189 64 237

98 94 46 22 188 57 125 129 43

95 132 50 90 234 212 130 156 124 165 48
177 66

24 191 59 135 58 9 153

217 89 131 164 196 25 18 67

26 88 32 45 19 200 60 49 53 204 10
159 128 224 97 179 134

213 235 92 219 155 201 11 61 27

211 173 126 41 20 163 54 186

236 205 209 221 238 227

233 228 23 231 220 207

DIRECTIONS

Don't let the definitions scare you. If you can guess five or six of these WORDS correctly, you should be able to solve the Double-Crostic . . . When you've guessed a WORD, fill in the dashes, and also write each letter in its correspondingly numbered square in the diagram. When all the squares are filled in, you will have a quotation from a published work. Dark squares indicate the ends of words. If there is no dark square at the right side of the diagram, the word carries over to the next line . . . You should be able to see words and phrases begin to form in the diagram on the basis of having just a few letters. Enter the letters you can guess into the diagram and the blanks in the defined WORDS, and you'll find yourself working from WORDS to diagram and back, solving the puzzle . . . The initial letters of the defined WORDS spell the name of the author and the title of the work from which the quotation was taken. This acrostic feature can be very helpful to the solver.

1 A	2 C	3 D		4 E	5 L	6 M	7 O		8 Q	9 T		10 V	11 W	12 A	13 C	14 G	15 K	16 M
	17 O	18 U	19 V	20 X		21 Q	22 R	23 Z	24 T	25 U	26 V	27 W		28 F	29 G		30 J	31 B
32 V	33 E	34 F	35 H	36 A	37 G	38 L	39 K	40 O	41 X	42 Q	43 R		44 P	45 V	46 R		47 P	48 S
	49 V	50 S	51 P		52 M	53 V	54 X	55 P	56 Q		57 R	58 T		59 T	60 V	61 W	62 C	63 P
64 Q	65 A	66 S	67 U		68 A	69 G	70 J		71 K	72 M	73 O	74 C	75 H	76 D	77 I	78 E		79 Q
80 C	81 F	82 A	83 O	84 I	85 K	86 M	87 N		88 V	89 U		90 S	91 P	92 W	93 Q	94 R		95 S
96 Q	97 V	98 R	99 A	100 P		101 M	102 L	103 K	104 G	105 O	106 D	107 F		108 O	109 C	110 A	111 N	112 I
113 L	114 F		115 E	116 D		117 A	118 C	119 D	120 F	121 O		122 L	123 Q		124 S	125 R	126 X	
127 O	128 V	129 R	130 S		131 U	132 S	133 D	134 V	135 T		136 F	137 J	138 A		139 B	140 M	141 D	
142 I	143 E	144 N	145 G	146 O	147 M	148 B	149 F	150 A	151 H		152 M	153 T		154 L	155 W	156 S		157 J
158 E	159 V	160 O	161 N		162 A	163 X	164 U	165 S		166 J	167 N	168 O	169 G	170 H	171 L	172 I	173 X	
174 G	175 O	176 D	177 S	178 K	179 V	180 E	181 B	182 J	183 H		184 L	185 I	186 X	187 J	188 R	189 Q	190 H	191 T
192 O	193 K	194 M	195 P	196 U		197 G	198 K	199 J		200 V	201 W	202 I	203 J		204 V	205 Y		206 G
207 Z	208 E	209 Y	210 O	211 X	212 S	213 W	214 C	215 A	216 F		217 U	218 M	219 W	220 Z	221 Y	222 P	223 J	
224 V	225 O	226 N	227 Y	228 Z	229 I		230 D	231 Z	232 K		233 Z	234 S	235 W	236 Y		237 Q	238 Y	239 L

Solution of last week's Double-Crostic will be found on page 60 of this issue.

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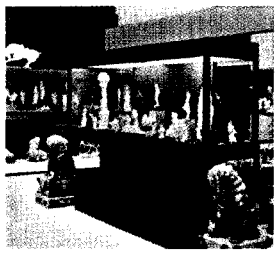

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It's a lot of cars for the money.

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